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THE

EXECUTIVE DOCUMENTS

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIRST SESSION OF THE FIFTY-FIRST CONGRESS.

1889-'90.

IN NINETEEN VOLUMES.

Volume 1.—Nos. 1 to 10, inclusive.
Volume 2.—Nos. 11 to 16, inclusive.
Volume 3.—No. 17, War Claims of Oregon.
Volume 4.—No. 18, International Exhibition at Melbourne.
Volume 5.—Nos. 19 to 52, inclusive.
Volume 6.—No. 53, part 1, International Marine Conference.
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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 123.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Commissioner of Internal Revenue, with supplemental estimates for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of store-keepers, and miscellaneous expenses.

MAY 19, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
May 17, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Commissioner of Internal Revenue, of the 15th instant, submitting a supplemental estimate of appropriation for "salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of store-keepers, and miscellaneous expenses," for the fiscal year ending June 30, 1891, $2,100,000, in lieu of the estimate of $2,000,000 for that object on page 39 of the Book of Estimates for 1891.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, May 16, 1890.

SIR: In the estimates of appropriations for the Internal Revenue Service for the fiscal year ending June 30, 1891, submitted, the amount asked for "salaries and expenses of agents and subordinate officers of Internal Revenue" is $2,000,000.

The larger part of this appropriation is used for payment of the salaries of store-keepers, and fees of gaugers employed at distilleries; and, owing to the increased number of distilleries in operation, requiring a larger force of these officers to be kept on duty than was anticipated when these estimates were submitted, it is now evident that the amount stated will be insufficient.

The amount actually expended for this purpose during the fiscal year 1889 was over $2,107,000, and it is estimated that the expenses for the present year will be nearly as much.

I would therefore recommend that an amended estimate be submitted, asking that the sum of $2,100,000 be appropriated for this purpose for the fiscal year 1891.

Respectfully, yours,

JOHN W. MASON,
Commissioner.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 124.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A draught of bill and reports relative to the proposed survey and sale of a certain tract of land in Monterey, Cal.

MAY 19, 1890.—Read, referred to the Committee on Public Lands, and ordered to be printed.

To the Senate and House of Representatives:

I inclose herewith a draught of a bill submitted by the Secretary of the Interior providing for the survey and disposal of a tract of land situated in the city of Monterey, Cal., known as the "Cuartel" lot.

The lot referred to is one of the tracts excluded from the survey of the pueblo lands of Monterey, Cal., by the decision of Acting Secretary of the Interior Muldrow, of October 4, 1887 (6 L. D., p. 179), on the ground that it was in a state of reservation for national purposes.

A communication from the Secretary of War to the Secretary of the Interior, copy herewith, states that this lot has been occupied at intervals by the War Department for military purposes, but as it is not within the limits of any declared military reservation, the act of July 5, 1884 (U. S. Stats., vol. 23, p. 103), providing for a transfer to the Interior Department of abandoned military reservations, does not apply.

The lot is no longer required for military purposes, and a willingness is expressed by the War Department that the Department of the Interior should assume control of it. A copy of a tracing, with notes, is inclosed, showing an approximate survey and describing the situation of the lot.

I also inclose a copy of a report of the Commissioner of the General Land Office to the Secretary of the Interior setting forth that, under the decision of Mr. Muldrow, the tract of land known as the "Cuartel" lot belongs to the United States by conquest and by treaty, and is in a state of reservation for national purposes; and respectfully submitting that Congress may continue its status as fixed by said decision, or enact appropriate laws providing for its disposition as public land.

BENJ. HARRISON.

EXECUTIVE MANSION, *May* 19, 1890.

A BILL providing for the survey and disposal of a tract of land situated in the city of Monterey, California, known as the "Cuartel" lot.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That all that piece or parcel of land known as the "Cuartel" lot, situated in the city of Monterey, California, be, and the same is hereby, declared a part of the public domain, and that the same may be surveyed and sold under the direction of the Secretary of the Interior: *Provided*, That it shall be the duty of the Secretary of the Interior to appoint three competent appraisers, who shall appraise said tract of land, including any public buildings erected thereupon, the title to which may be in the United States, at a certain sum, and that upon the receipt and approval of said appraisement the Secretary of the Interior may provide, by suitable instructions, for the sale of said tract to the highest bidder, at public auction, which shall be duly advertised in the newspapers at Monterey: *And provided further*, That the tract shall not be sold at a price less than that reported by said appraisers and approved by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1890.

SIR: I have the honor to transmit herewith for your consideration a communication from the Secretary of War, and also a report from the Commissioner of the General Land Office, to whom the matter was referred, relative to a tract of land known as the "Cuartel" lot, situated in the city of Monterey, Cal., which came into the possession of the United States upon the acquisition of California by conquest from Mexico.

It will be seen from the correspondence above referred to that this lot has been occupied at intervals for military purposes, for which use it is no longer required, and that the Secretary of War proposes to transfer the control of it to the Interior Department.

By decision of this Department, rendered October 4, 1887 (6 L. D., 179), this tract was excluded from the survey of the pueblo lands of Monterey, upon the ground that it had been reserved and was in continuous open and notorious occupation and use for national purposes under the Mexican Government, and since then continuously claimed by the United States as a reservation.

As this lot is not a part of a "declared military reservation" I concur in the views of the Secretary of War, that it can not be transferred to this Department to be disposed of under the act of July 5, 1884, and I therefore recommend that the matter may be submitted to Congress for appropriate legislation looking to the disposal of the said property.

I also transmit herewith a protest, signed by Robert S. Forbes as attorney for the city of Monterey, and suggest that said protest may be transmitted to Congress with the inclosed bill. Mr. Forbes will be notified by this Department of the action taken herein.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT.

WAR DEPARTMENT,
Washington, March 19, 1890.

SIR: I have the honor to advise you that the tract of land known as the "Cuartel" lot, situated in Monterey, Cal., which came into possession of the United States upon the acquisition of California by conquest from Mexico, has been occupied at intervals by this Department for military purposes and for which use it is now no longer required.

As the lot does not form a part of the military reservation within the Pueblo lands in the city of Monterey declared by proclamation of the President of November 23, 1866, it can not be transferred to you for disposition under the act of July 5, 1884, which provides only for the transfer to the control of the Secretary of the Interior of lands included within the limits of any declared military reservation; and as it has been reported by the Major-General Commanding the Army as useless for any military purpose, I beg to say that if the same is desired for the use of the Interior Department it will meet the views of this Department if you will assume control over it.

The inclosed tracing with notes of an approximate survey, which I will thank you to return with your reply, describe the situation of the lot.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 28, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of a communication from the honorable Secretary of War of the 19th instant, advising you that the "tract of land known as the 'Cuartel' lot, situated in Monterey, Cal., which came into possession of the United States upon the acquisition of California by conquest from Mexico, has been occupied at intervals by this (War) Department for military purposes, and for which use it is now no longer required."

He also advises you that "as the lot does not form a part of the military reservation within the Pueblo lands in the city of Monterey declared by proclamation of the President of November 23, 1866, it can not be transferred to you for disposition under the act of July 5, 1884, which provides only for the transfer to the control of the Secretary of the Interior of lands included within the limits of any declared military reservation," and that it has been reported by the Major-General Commanding the Army as useless for military purposes.

He likewise states that if the lot is desired for the use of the Interior Department it will meet the views of the War Department if you will assume control of it.

You ask for a report in duplicate and the return of the papers.

I have the honor to state that the "Cuartel" lot referred to is one of the tracts excluded from the survey of the Pueblo lands of Monterey, Cal., by the decision of Acting Secretary Muldrow of October 4, 1887 (6 L. D., p. 179).

It was excluded on the ground that it was in a state of reservation, in the "authoritative, open, notorious, and conceded occupation and use * * * for national purposes."

The honorable Secretary of War in his communication states that it has been occupied at intervals by the War Department for military purposes, thus conveying the inference that it may have been used for other national purposes in the past and that it is liable to such uses in the future.

From the decision of the Interior Department, above referred to, it appears that the tract of land known as the "Cuartel" lot belongs to the United States by conquest and by treaty, and is in a state of reservation for national purposes. I would therefore respectfully submit that Congress may continue its status as fixed by said decision or enact appropriate laws providing for its disposition as public land.

Papers returned as requested.

I have the honor to be, very respectfully,

W. M. STONE,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *April* 21, 1890.

SIR: Your petitioner, the City of Monterey, through its attorney, Robert S. Forbes, very respectfully shows that it has been informed that the Secretary of War has given notice to your Department that it no longer requires the use of a certain tract of land located in the city of Monterey, and known as the "Cuartel lot," and requesting that the said lot be sold by your Department in accordance with the law. Your petitioner is further informed that you have been informed that there is no law authorizing your Department to take charge of or sell said lot, and that you are about to prepare and forward, through the President of the United States, a bill to Congress for enactment to authorize you to sell said lot. Against any such action on the part of your Department your petitioner respectfully protests, and for cause of protest shows:

First. That the equitable title of said lot is in the city of Monterey, and that the United States Government holds the legal title thereof in trust for said city, to convey the same in accordance with the act of Congress of 1851 for the settlement of private land claims in California.

Second. That said tract of land lies within the boundary of the Pueblo lands of Monterey, as defined by the decree of confirmation made by the commissioners to settle private land claims in California under above-mentioned act.

Third. That said boundary line, as defined by said commissioners and the decree of confirmation describing the same, is conclusive against any title of the United States, and said decree, both as to title and boundaries, is binding on your Department.

Fourth. That while the honorable Secretary of the Interior has decided that said tract of land belongs to the United States, said decision is not recognized by the city of Monterey as final or conclusive on said city, as the same is contrary to law, and the Secretary of the Interior has no jurisdiction to modify, alter, or repeal the decree of the aforesaid commissioners.

Fifth. That your petitioner is awaiting the issuance of the patent for its Pueblo lands, and until said patent issues it is debarred any recourse to the courts to settle the conflicting claims between the city and the United States, and therefore as to the title of said tract it would manifestly be unjust at this time, before the issuance of the patent, to place the city at a disadvantage before the courts by the enactment of a law such as is contemplated, as above asserted.

Your petitioner very respectfully calls your attention to the decision of the Commissioner of the Land Office of September 26, 1886, and the brief of your petitioner filed therein, as to the said title of said tract and other tracts claimed by the Government within said Pueblo boundary line; also to the brief of Messrs. Britton & Gray, filed before your Department, on a motion for a rehearing to the decision of the Secretary of the Interior of October, 1888.

Very respectfully,

ROBERT S. FORBES,
Agent and Attorney, City of Monterey.

The SECRETARY OF THE INTERIOR.

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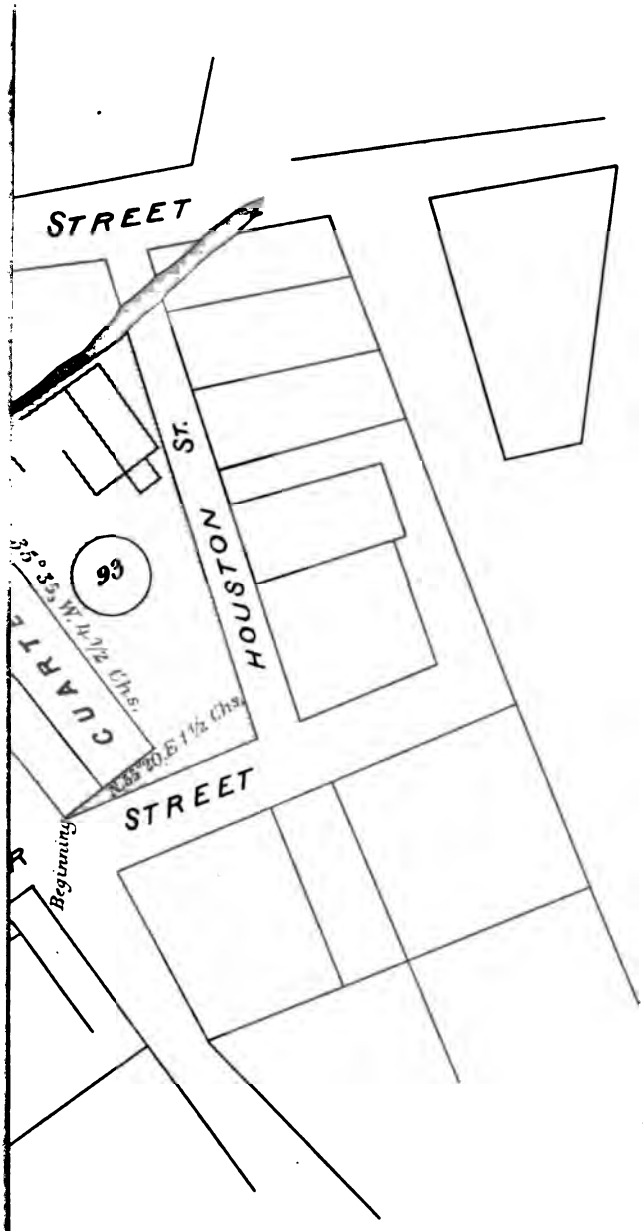

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 125.

REPORT

OF THE

INTERNATIONAL AMERICAN CONFERENCE

RELATIVE TO

AN INTERCONTINENTAL RAILWAY LINE.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1890.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State and report of the International American Conference relative to an international railway line.

MAY 19, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report of the International American Conference, recently in session at this Capital, recommending a survey of a route for an intercontinental line of railroad to connect the systems of North America with those of the Southern Continent, and to be conducted under the direction of a board of commissioners representing the several American Republics.

Public attention has chiefly been attracted to the subject of improved water communication between the ports of the United States and those of Central and South America. The creation of new and improved steam-ship lines undoubtedly furnishes the readiest means of developing an increased trade with the Latin-American nations. But it should not be forgotten that it is possible to travel by land from Washington to the southernmost capital of South America, and that the opening of railroad communication with these friendly States will give to them and to us facilities for intercourse and the exchanges of trade that are of special value. The work contemplated is vast, but entirely practicable. It will be interesting to all and perhaps surprising to most of us to notice how much has already been done in the way of railroad construction in Mexico and South America that can be utilized as part of an intercontinental line. I do not hesitate to recommend that Congress make the very moderate appropriation for surveys suggested by the Conference, and authorize the appointment of commissioners and the detail of engineer officers to direct and conduct the necessary preliminary surveys.

BENJ. HARRISON.

EXECUTIVE MANSION,
May 19 1890.

PROPOSED INTERCONTINENTAL RAILWAY.

Letter from the Secretary of State.

DEPARTMENT OF STATE,
Washington, May 12, 1890.

To the PRESIDENT:

I have the honor to submit herewith a plan for a preliminary survey for a railway line to connect the great commercial cities of the American hemisphere. No more important recommendation has come from the International American Conference, and I earnestly commend it to your attention, with full confidence that prompt action will be taken by Congress to enable this Government to participate in the promotion of the enterprise. The resolutions of the Conference are accompanied by special reports concerning the transportation facilities that already exist in the several American Republics. These reports comprise all the information that could be gathered upon this important subject, and will be found both interesting and authentic.

Under the generous and progressive policy of President Diaz the railways of Mexico have been extended southward as well as northward and toward the two oceans. The development of the Argentine system has been equally rapid. Lines of track now reach from Buenos Ayres to the northern cities of that Republic, and nearly to the Bolivian boundary. Chili has a profitable system of railroads from the mountains to the Pacific Ocean, and the completion of the tunnel that is now being pierced through the Cordilleras will bring Valparaiso within two days' travel of Buenos Ayres. In the other Republics similar enterprise has been shown. Each has its local lines of railway, and to connect them all and furnish the people of the Southern Continent the means of convenient and comfortable intercourse with their neighbors north of the Isthmus is an undertaking worthy the encouragement and co-operation of this Government. In no other way could the Government and the people of the United States contribute so much to the development and prosperity of our sister Republic and at the same time to the expansion of our commerce.

A very important feature of the report, to which I especially direct your attention, will be found in the international declaration that the line of the proposed railway shall be forever neutral territory; that the material necessary for the construction and operation of the road shall be admitted free of customs dues, and that its property and revenues shall be always exempt from all forms of taxation. This guaranty, having all the force of a treaty, will stimulate private and public confidence, and thus lead to the investment of capital that might otherwise be reluctant and distrustful.

It is proposed that a survey to ascertain the best and most economical routes be made under the direction of an international commission, and that the expense be shared by the several nations of the hemi-

sphere in proportion to their respective populations. The share of the United States is estimated to be $65,000, and I would respectfully suggest the propriety of securing from Congress an appropriation for that purpose. Three commissioners will be required to represent the United States upon the international board, and authority should be asked for the detail of officers of the Army and Navy to serve as engineers in conducting the survey.

The headquarters of the commission, by a vote of the International Conference, will be located in Washington, and it is proposed to invite the commissioners to meet here on the 1st of October next, or as soon thereafter as may be practicable, for the purpose of organization and initiating the work of the survey.

Respectfully submitted,

JAMES G. BLAINE.

REPORT

OF THE

COMMITTEE ON RAILWAY COMMUNICATION.

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Tenth. That all materials necessary for the construction and operation of the railroad should be exempt from import duties, subject to such regulations as may be necessary to prevent the abuse of this privilege.

Eleventh. That all personal and real property of the railroad employed in its construction and operation should be exempt from all taxation, either national, provincial (State), or municipal.

Twelfth. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guaranties of a minimum of interest.

Thirteenth. That the salaries of the commission, as well as the expense incident to the preliminary and final surveys, should be assumed by all the nations accepting, in proportion to population according to the latest official census, or, in the absence of a census, by agreement between their several Governments.

Fourteenth. That the railroad should be declared forever neutral for the purpose of securing freedom of traffic.

Fifteenth. That the approval of the surveys, the terms of the proposals, the protection of the concessionaires, the inspection of the work, the legislation affecting it, the neutrality of the road, and the free passage of merchandise in transit, should be (in the event contemplated by article eighth) the subject of special agreement between all the nations interested.

Sixteenth. That as soon as the Government of the United States shall receive notice of the acceptance of these recommendations by the other Governments, it shall invite them to appoint the commission of engineers referred to in the second article, in order that it may meet in the city of Washinton, at the earliest possible date.

JUAN FRANCISCO VELARDE.
H. G. DAVIS.
E. A. MEXIA.
FERNANDO CRUZ.
JERÓNIMO ZELAYA.
JACINTO CASTELLANOS.
ANDREW CARNEGIE.
CARLOS MARTINEZ SILVA.
JOSÉ ANDRADE.
J. M. P. CAAMAÑO.
F. C. C. ZEGARRA.
E. C. VARAS.
MANUEL QUINTANA.
J. G. DO AMARAL VALENTE.
JOSÉ S. DECOUD.
H. GUZMAN.

LETTER FROM THE CHAIRMAN OF THE COMMITTEE.

INTERNATIONAL AMERICAN CONFERENCE,
Washington, April 18, 1890.

To the honorable President of the International American Conference:

Mr. PRESIDENT: As an addition to the report made by the Committee on Railroads, I have the honor to transmit herewith to the table, for insertion as an appendix, the personal reports of the Delegations from Peru, Guatemala, Colombia, Costa Rica, Uruguay, Paraguay, Brazil, Honduras, Mexico, Bolivia, United States of America, Venezuela, Salvador, and Ecuador.

The Delegations from Argentine and Nicaragua have offered to send in reports of their respective countries. Although deficient in some statistical data, the accompanying reports give a general idea of the present service of the railroads, the length of the lines in operation, those in course of construction and survey; thus enabling one to appreciate the importance of the work realized up to date, and that what is needed to place in practical effect the beautiful idea of a continental railroad that will bind all the nations represented in the Conference.

I entertain the conviction that the day is not far distant when the great work of a continental railroad will become a fact, and that the recommendation made by the Conference will have contributed powerfully towards its realization.

I have no doubt that the measures for its survey and execution proposed by the Conference will receive the unanimous approval of all the Governments of America.

Saluting the President with such gratifying motives, and reiterating to him the assurance of my most high and distinguished consideration, I am

Your obedient servant,

JUAN FRANCISCO VELARDE.

RAILWAYS OF THE ARGENTINE REPUBLIC.

The first line built was probably that from Rosario to Córdoba, commenced in 1863 and finished in 1870. In 1873 the Government finished the first section of the Transandine Railway, 82 miles, from Villa Mercedes to Rio Cuarto. In 1875 the second section, from Rio Cuarto, 76 miles, was in operation. In 1880 were completed 59 miles, to the city of San Luis. In 1883, 75 more were finished, and La Paz became the terminus for the time being. In April, 1885, 80 miles were opened from La Paz to Mendoza; a branch of 100 miles from Mendoza to San Juan was opened at the same time. The total cost to the Government thus far, of the 472 miles, had been $13,000,000. From Mendoza to the Chilian boundary, through the Uspallata Valley, is 140 miles. The road runs at nearly double the elevation of the Central Pacific line across the Rocky Mountains. The Northern Central Argentine at Córdoba, connecting with the Central and extending northward to Salta, is a narrow-gauge road of 340 miles, and was continued through the province of Jujuy.

In 1885 three railways were opened for traffic—the Mercedes, Andine East Argentine, and Campana lines. The Tucuman line was to be completed in 1876, when there would be in all ten railroads with a total of 2,260 kilometers, or 1,404 miles, in operation. The Andine line was leased to a private person for four years with the condition that he should receive 80 per cent. of the gross receipts for the first three years and 75 per cent. for the last year. The Central Argentine, which opened in 1870, earned in 1875 a surplus of $161,000 in addition to the guaranteed interest of 7 per cent on the capital stock. That surplus was paid over to the Government.

In 1886 there were in operation 6,152 kilometers, of which 1,877 were national, 1,104 provincial, and 3,160 private property. There were consequently added to the 2,318 kilometers existing in 1880, during the last five years, 3,834 kilometers. The total cost of the lines existing in 1885 was about $1,000,000,000, or an average of about $33,330 per mile.

The gross earnings of all the railroads in 1885 were $416,150,894; the net earnings were $6,489,701; the percentage of net earnings were 7.32 against 5 in the United States, and 4½ in England, and 4½ in Germany and France.

E. L. Baker, esq., United States consul at Buenos Ayres, in a report of December 17, 1886, says:

As showing the progress which railway construction has been making in the Argentine Republic, I may say that in October, 1880, the total number of kilometers was

2,318, of which 810 belonged to the national Government, 348 to the provincial government of Buenos Ayres, and 1,104 were in private hands. There are now 6,152 kilometers in the Republic, of which 1,877 belong to the nation, 1,104 to the provincial governments, and 3,161 to private companies; a gain of about 3,834 kilometers in a little over five years.

Mr. Vilas, secretary of legation at Buenos Ayres, in a report to Department of State, dated July 22, 1889, says:

I forward herewith certain figures taken from the report upon the railways of the Argentine Republic for the year 1888, prepared by Mr. Cortinez, under the direction of the national railway board recently created. * * *

Amount of railway capital in country in 1888, $220,746,247; gross earnings, $26,526,707; working expenses, $15,529,993; net earnings, $11,500,000.

Net earnings of Argentine railways for 1888.

Railways.	Capital.	Returns.	Expenses.	Net.
Buenos Ayres and Rosario	$33, 330, 000	$3, 312, 882	$1, 577, 280	$1, 735, 602
Primer Entre Riano	153, 839	153, 839	10, 453	552
Central Argentine	18, 648, 000	3, 815, 325	1, 798, 113	2, 017, 212
East Argentine	4, 989, 615	271, 185	269, 882	1, 303
Argentine Great Western	16, 984, 800	897, 791	1, 360, 774	.....
Central Northern	26, 990, 342	2, 367, 941	1, 594, 638	773, 303
Province of Buenos Ayres	27, 474, 283	4, 867, 550	2, 873, 622	1, 993, 928
Andine	4, 366, 565	441, 024	284, 182	156, 842
Central Entre Riano	6, 000, 000	261, 394	278, 235	.....
Buenos Ayres Northern	2, 991, 487	735, 325	365, 854	369, 471
Ensenada	6, 681, 885	1, 152, 791	552, 843	599, 948
Great Southern	40, 320, 000	6, 172, 033	2, 782, 847	3, 389, 186
Oeste Santa Fecino	3, 000, 000	277, 015	336, 903	.....
Santa Fé Colonies	9, 839, 088	801, 946	615, 256	186, 690
Northwestern Argentine	4, 278, 920	12, 267	12, 267	.....

The following loans were made: Argentine Great Western, $468,983.51; Central Entre Riano, $16,841.43; Oeste Santa Fecino, $59,888.65; total loans, $545,713.58.

The rate of returns upon capital is as follows:

Lines.	Rates of returns.	Lines.	Rates of returns.
	Per cent.		*Per cent.*
Buenos Ayres and Rosario	7.04	Pacific Railway	2.16
Primer Entre Riano	0.35	Andine	3.05
Central Argentine	10.82	Northern Railway	12.35
East Argentine	0.26	Ensenada	8.96
Central Northern	2.86	Great Southern	8.41
Province of Buenos Ayres	7.86	Santa Fé Colonies	1.90

The number of passengers carried in 1888 was 9,681,233; tonnage of goods, 3,937,534.

United States Consul Edward L. Baker, under date of December 13, 1889, furnishes the following on railways in the Argentine Republic:

There continues to be a great movement throughout the Argentine Republic in the construction of railways. So great are the number of new concessions granted by the national Congress and by the different provincial legislatures that I find it impossible to name them all. Up to the meeting of the last Congress there were national concessions for seventeen different lines, of which thirteen enjoy the guaranty of the Government. These guarantied lines represent a total length of 7,961 kilometers (4,975 miles), and the aggregate length of the other lines 1,272 kilometers (795 miles), making a total of 5,770 miles. Among them are the following, viz: The Chaco and Tartagal Railway, the Reconquista and Formosa (Chaco) Railway, the Bahia Blanca and Villa Mercedes Railway, the San Juan and Salta Railway, the Chum-

During the year the railways of the country transported 8,373,500 passengers and 3,950,000 tons of cargo, against 7,173,500 passengers and 3,866,523 tons of cargo the previous year. The railways in operation have 602 locomotives, 912 coaches for passengers, and 14,324 cargo wagons, and they represent a capital of $193,000,000.

During the year 1888 the National Government paid out of its treasury for guaranties to railways the sum of $3,000,000 in gold. The President, however, in view of the fact that some of the guarantied railway companies persistently neglect to keep their roads in proper condition and are without the necessary equipment to transact the business for which they were chartered, has just issued an order suspending the payment of any further guaranties until they conform to the law in these respects.

It is not deemed necessary here to give a list of the various railways which have recently been chartered, but which have not yet been "floated," or whose surveys have not yet been completed. Owing to the present financial condition of the country, the construction of some of these will probably be postponed for the present. For the same reason the National Congress, at its recent session, failed to act upon another large "batch" of projected railways, but left them for future consideration

RAILWAYS OF BOLIVIA.

*REPORT OF JUAN F. VELARDE, DELEGATE FROM BOLIVIA.**

MEMORANDUM ON RAILROADS IN BOLIVIA.

The Republic of Bolivia, with a population of 2,500,000, has an area of 55,000 square leagues, or 275,000 square kilometers.

Situated in the center of the South American continent, it is bounded on the north and east by Brazil, on the southeast by the river Paraguay and the Republic of that name, on the south by the Argentine Republic, on the southwest by Chili; on the west by the Pacific Ocean and Peru.

The eastern part is level, as if it were a continuation of the Argentine pampas, which extend as far as the plains of Venezuela, forming forests, prairies, and fields of extraordinary tropical fertility.

The western part is mountainous, having a mild or cold climate, according to the height of the valleys, broken country, or table-lands, where the principal settlements of the Republic are located.

The Andes range, which forms this region, divides in latitude 22° south, and enters the Bolivian territory in two sections, the western or coast range and the eastern or principal range, from which latter separate several branches, running inland until they are lost in the plains of the east.

Between these two ranges is found the high Inter-Andine table-land, with an average altitude of 12,000 to 13,000 feet above the level of the sea, at the northern end of which is situated the great lake Titicaca, and toward the southern or central region Lake Poopó, which receives the waters of the former by means of the river Desaguadero. The extent from north to south of this table-land is about 150 or 200 leagues, with a width from east to west of from 20 to 50 leagues. It is connected on the north with the plateaus of Puno in Peru, and on the south with those of the Argentine Republic. In these regions are found the richest mines of silver, copper, tin, gold, and other minerals.

The central location of Bolivia has retarded the development of its railroads, since it has been obliged to wait until the lines of the neighboring countries should approach its own frontiers before undertaking their extension, as in the case of those from Mollendo to Puno and from Arica to Tacna, in Peru, which still remain idle within their respective limits, and that of the Central North Argentine Railway, which is now nearing Jujui, with every probability that it will be extended as far as the Bolivian frontier.

Topographical and financial difficulties for a long time prevented the

* Translation.

construction of the railway from Antofagasta to the interior, but they have lately been overcome by the Huanchaca Company, of Bolivia, which has succeeded in completing the narrow-gauge railroad between Antofagasta and Uyuni, with an extent of 600 kilometers. The same company has contracted for the extension of this line to Oruro, which is considered a distance of 320 kilometers. The Government guarantees 6 per cent. interest on the capital invested, which is estimated at £500,000 sterling.

The configuration of the territory of Bolivia, and its vast area, give origin to three channels of communication; by way of the Pacific, the river La Plata, and the Amazon, respectively, each one of which is the outlet for a particular region possessing resources of its own of great value, which will rapidly develop as soon as transportation is made cheap and easy by the construction of railroads.

The communications by the Pacific are obtained: (1) by Antofagasta Railway; (2) by the Arica Railway; (3) by the Mollendo Railway.

(1) The Antofagasta Railway, which had to contend against the obstacle presented by an uninhabitable desert, has become practicable on account of the narrow-gauge railway (75 centimeters), which runs from that place to Uyuni, as has been stated. Uyuni is at a distance of 25 kilometers from the rich mines of Huanchaca, 200 kilometers from the city of Potosi, 300 kilometers from the capital, Sucre, and 320 kilometers from Oruro.

The line crosses a very rich mineral region of much promise. Its prolongation to Oruro, with a branch line to Potosi, will tend to further develop the mineral production, which to-day is quite considerable.

(2) The Arica Railway runs a line as far as Tacna (47 miles), whence it is intended to build another to Corocoro and La Paz (about 400 kilometers). This work requires an immense capital, since the road has to ascend the coast range at its steepest part. Traffic is at present carried on by means of mules. This line is connected with the departments of La Paz, Oruro, and Cochabamba, to whose commerce it gives great facilities on account of being the shortest road.

(3) The Mollendo Railway, open to traffic since 1870, has the use of a line which leaves that port, runs through Arequipa, and ends in Puno, covering a distance of 522.96 kilometers, or 320 miles.

Bolivian traffic makes use of this railroad in connection with navigation by steamer on Lake Titicaca and the high-road from Chililaya to La Paz, 14 leagues.

The Peruvian bond-holders, to whom that railroad has been granted, have obtained concessions from Peru as well as Bolivia to extend it as far as La Paz, whence within a short time a road will be run to Oruro, 250 kilometers, in order to form a junction there with the Antofagasta road. It is intended to run a branch line from Oruro to the fertile department of Cochabamba, a distance of 200 kilometers.

The Bolivian part of the railroad from Puno to La Paz extends 150

kilometers from the Desaguadero. The nation guarantees 6 per cent. on the capital invested.

The communications with the river La Plata are carried on by means of the Northern Central Argentine Railroad and by the river Paraguay and the high-road to Santa Cruz.

The extension of the Northern Central Argentine Railroad has already reached Salta and will soon go as far as Jujui, from which place it will be extended to the Bolivian frontier, the Argentine Government having granted a concession for this. It will then be an easy matter to join this line with the Andine of Bolivia by extending it either to Uyuni or to Potosi, in either case a distance of not more than 500 kilometers.

It is proposed to run two railways from the river Paraguay, one from the Gaiva to Santa Cruz de la Sierra, running through the province of Chiquitos, over some 750 kilometers of level country, and another from Bahia Negra to Sucre, with a branch to Santa Cruz, 750 kilometers in level country and 500 in mountainous and broken country.

With these two railroads and another contemplated between Paraná and Tarija, communications will be opened with the river La Plata.

The extensive eastern region of Bolivia, rich in all kinds of tropical products of superior quality, such as coffee, cocoa, sugar, cotton, rice, tobacco, etc., and likewise in gold ore, offers a wide field for industry, commerce, and immigration.

The northern region, which is of wonderful fertility and is irrigated by the rivers Guaporé Henes, Mamoré, Beni, and Madre de Dios and their numerous navigable branches, which all unite to form the river Madera, the principal tributary of the Amazon, in order to enjoy the full benefits of steam navigation and the products of civilization, requires the construction of a railroad from the Madera to Mamoré so as to avoid the rapids which interfere with navigation on these great rivers; said railway will be, at most, 180 miles long. The survey of this road has been in the hands of a commission of engineers appointed by the Brazilian Government, and its cost has been estimated at not more than $6,000,000 in gold.

In connection with this railroad, and in order to make communications between the navigable rivers and the cities of the interior of Bolivia, it will be necessary to construct the following supplementary lines:

I. From Rio Grande, a tributary of the Mamoré, to Santa Cruz de la Sierra, 150 kilometers, through level country.

II. From the river Chimoré or Upper Mamoré to Cochabamba, 250 kilometers, through broken and mountainous country.

III. From the river Beni to La Paz, about 500 kilometers, through broken and mountainous country.

Workmen, provisions, and timber for the construction of these railroads are found in abundance in the respective departments of Santa Cruz, Cochabamba, and La Paz, which will derive great benefit from them.

It is estimated that the freight on the materials for these railways, to-

gether with that on the steamers and machinery which will have to be imported for the rivers of Bolivia, outside of the regular commercial traffic, will suffice to give life and impetus for the first few years to the Madera and Mamoré Railroad, whose importance may be compared, without exaggeration, to that of the railroad of the Isthmus of Panama.

SUMMARY.

There is in operation the narrow-gauge railway from Antofagasta to Uyuni, 610 kilometers, whose dividends exceed the guarantee of 7 per cent. interest.

There is under survey and construction the railway from Uyuni to Oruro, 320 kilometers, with a guarantee of 6 per cent. interest, and a term of two years for its completion.

There is under survey a railway to be constructed as soon as the Peruvian section is completed from Puno to the Desaguadero, running from the latter point to La Paz, 150 kilometers, with a guarantee of 6 per cent. interest.

There are in contemplation:

	Kilometers.
The railway from La Paz to Oruro	250
The railway from Oruro to Cochabamba	200
The railway from Uyuni to Potosi	200
The railway from Uyuni to La Quiaca, on the Argentine frontier	500
The railway from the river Paraguay to Santa Cruz	750
Its prolongation to Sucre	750
The railway from the Argentine Paraná and its prolongation to Tarija	300
From Rio Chimoré to Cochabamba	250
From Rio Beni to La Paz	500

For illustration there is appended the law of railroads, and several drafts of concessions sought from the government, and a map of the Republic of Bolivia.

JUAN FRANCº VELARDE.

LEGATION OF BOLIVIA,
Washington, February, 1890.

ACT RELATING TO RAILROADS.

Be it enacted by the Chamber of Deputies:

ART. 1. That the *Huanchaca Company*, of Bolivia, is guaranteed an annual interest of *six per cent.*, for a term of *twenty years*, on the capital which it may invest in the construction of the railway from Uyuni to Oruro. This guarantee shall be obligatory from the time that the railway reaches Oruro.

ART. 2. The estimate and cost of the line shall be verified by the national engineer corps.

ART. 3. The company constructing the railroad shall open it to the public in Oruro within two years from the 1st of January, 1890, paying.

in case it should not then be completed, the fine of *four hundred thousand Bolivian dollars.*

ART. 4. The same annual interest of *six per cent.* is guaranteed, for twenty years, on the capital employed in the construction of a railway from the city of La Paz to the Peruvian frontier in the Department of Puno.

ART. 5. The same interest is guaranteed, for twenty years, on the capital invested in the construction of the railroads from banks of the river Paraguay and the Argentine frontier to Santa Cruz, the Beni, Tarija, and Sucre.

This concession refers only to the propositions presented to the legislature in 1889.

ART. 6. There is hereby granted to the companies constructing the railroads one square league of ground for each league of track laid; this ground to be in alternate lots, the remaining lands continuing to be Government property.

ART. 7. In case those companies should prefer the granting of lands they will not be entitled to the money guarantee.

ART. 8. The stipulations of responsibility for the payment of the granted guarantee shall not in any case affect the present national income.

ART. 9. All further stipulations bearing upon the present act are left to the power of the executive.

Let this be sent to the Senate for its action.

The Hall of the Chamber of Deputies in La Paz, October 27, 1889.

JENARO SANJINÉS,
President.
MARCO D. PARÉDES,
Secretary.
CASTO ROMÁN,
Secretary.

ANICETO ARCE,
Constitutional President of the Republic:

Whereas, the National Congress has authorized the following act:

Be it enacted by the National Congress:

That Mr. W. H. Christy is authorized to build a narrow-gauge railroad from the Desaguadero to the city of Oruro, with the following stipulations:

1. The railway of the Titicaca Company shall start from the highest navigable point of the river Desaguadero and run to Oruro, over the surveyed route approved by the company.

2. The road shall be a narrow one, with a gauge of 1 meter, with steel rails and ties; the rails shall weigh 30 pounds per meter, and the ties shall be placed at intervals of 800 millimeters. The locomotives shall weigh 15 tons, having a draught power of 400 tons and a maxi-

mum speed of 30 miles an hour. The rolling stock shall consist of one hundred and fifty cars and four locomotives.

3. This railroad shall be for freight, but it shall also transport passengers, for which it shall make use of suitable material.

4. The examination of the preliminary surveys shall be begun in the month of May, 1890, and shall be submitted for the approval of the Government on or before the expiration of ten months.

The final work shall be begun three months after the Government has notified the company of its approval of the plan and surveys made. After the expiration of this period, the concession shall be repealed.

5. The company shall be bound to carry the mail-bags gratis, to lower the price of transportation for Government employés 50 per cent., and and for government troops and materials 70 per cent.

6. The Government shall grant to the company, with full unincumbered title, all the land necessary for the road, its stations and necessary adjuncts, as determined in the respective plans.

7. The company shall always have the right of alienating the railroad owned by it, without being subject to other restrictions than those set forth in the act, provided that the Government be previously notified, which shall, conditions being equal, have the right of preference.

8. The passenger and freight tariff shall be fixed by the company, after its approval by the Government.

9. All materials destined for the construction and use of the railroad and its stations and other adjuncts shall be free from Government and municipal (*Octroi*) duty.

10. The employés of the railroad shall be exempt from service in the army and the national police.

11. The Bolivian Government, after the final work on the railroad is over, shall not grant any concession for another railroad through this same route, unless at a parallel distance of 15 miles.

12. The railroad of the Titicaca Company shall be opened to the public in sections of five leagues, according to the proscriptions and formalities of the law, the entire road being completed twenty months from the time the work was begun, or before that if possible.

Let this be forwarded to the Executive.

The Hall of the National Congress, La Paz, October 31, 1889.

SERAPIO RÉYES ORTIZ.
JENARO SANJINÉS.
EMETERIO CANO,
S. Secretary.
MARCO D. PARÉDES,
D. Secretary.

Therefore I promulgate it, that it may be and act as a law of the Republic.

Government Palace, La Paz, November 16, 1889.

ANICETO ARCE,
Minister of the Interior and Industry.

Railroad system of Brazil, corrected to January 1, 1888—Continued.

Railroads.	Capital.	Length in kilometers.			
		In operation.	Building.	Under survey.	Total.
	Francs.				
Rezende Arêas (Estado do Rio)	6,179,775	28	.....	65	93
Ramal de Cantagallo (Estado do Rio)	5,000,000	69	17	.....	86
Santa Anna (Estado do Rio)	8,400,000	39	.....	17	56
União Valenciana (Estado do Rio)	4,494,382	63	.....	.....	63
Rodero Vassouras (Estado do Rio)	350,000	6	.....	.....	6
Barão Araruama (Estado do Rio)	2,250,000	40	.....	.....	40
Rio das Flores (Estado Rio de Janeiro)	1,966,000	36	.....	.....	36
Alcantara-Maricá (Estado Rio de Janeiro)	2,300,000	.....	38	.....	38
Ramal Banalalense (Estado Rio de Janeiro)	2,275,000	12	17	.....	29
Magé Theresopolis (Estado Rio de Janeiro)	5,618,000	.....	6	40	46
Leopoldina-Cantagallo (Estado Rio de Janeiro)	110,449,438	297	.....	.....	1,204
Minas-Rio (Estado de Minas Geraes)	43,525,992	170	.....	.....	170
Juiz de Fóra-Piau (Estado de Minas Geraes)	5,056,180	52	9	.....	61
Oeste de Minas (Estado de Minas Geraes)	13,960,674	218	103	56	377
Pitangui (Estado de Minas Geraes)	16,853,933	.....	.....	242	242
Mogyana (Estado de Sao Paulo)	56,460,674	551	188	.....	739
San Paulo-Rio de Janeiro (Estado de Sao Paulo)	29,957,865	232	.....	.....	232
Santos-Jundiahy (Estado de Sao Paulo)	68,664,170	139	.....	.....	139
Araraquara Rio Grande (Estado de Sao Paulo)	55,000,000	.....	.....	531	531
Sorocabana (Estado de Sao Paulo)	33,707,865	222	110	44	376
Itúana (Estado de Sao Paulo)	5,765,730	220	40	23	283
Paulista (Estado de Sao Paulo)	56,179,775	242	.....	.....	242
Bragantina (Estado de Sao Paulo)	6,516,854	52	.....	.....	52
San Carlos do Pinhal (Estado de Sao Paulo)	14,044,014	264	.....	.....	264
Rio Pardo (Estado de Minas Geraes)	2,200,000	36	.....	.....	36
Taubaté-Tremembé	600,090	9	.....	.....	9
San Paulo Santo Amaro (Estado de Saõ Paulo)	1,200,000	20	.....	.....	20
Santos S. Vicente (Estado de Saõ Paulo)	600,000	9	.....	.....	9
Paranagua-Coritiba (Estado do Paraná)	50,000,000	111	.....	.....	111
Dona Thereza Christina (Estado de Santa Catherina)	18,253,184	116	.....	.....	116
Taquary-Uruguayana (Estado do Rio Grande do Sul)	102,900,000	262	112	269	643
Rio Grande Bagé (Estado do Rio Grande do Sul)	41,814,831	280	3	.....	283
Bagé-Cacequi (Estado do Rio Grande do Sul)	25,000,000	.....	.....	210	210
Quarahim-Itaqui (Estado do Rio Grande do Sul)	19,975,031	75	101	.....	176
Porto-Alegre Nova Hamburgo (Estado do Rio Grande do Sul	10,000,000	43	.....	.....	43
Total	1,555,916,159	8,486	1,398	3,597	13,481

J. AUGUSTO DA COSTA,
Secretario do Delegação dos Estados Unidos do Brazil.

THE RAILWAYS OF CHILI.

*REPORT OF EMILIO C. VARAS, DELEGATE FROM CHILI.**

LEGATION OF CHILI,
Washington, January 9, 1890.

DISTINGUISHED COLLEAGUE: In reply to your favor of the 7th, which I received to-day, and according to the desire therein expressed, I enclose a part of the Statistical Synopsis of Chili in which you will find a list of the railroad lines constructed in Chili and those under construction, together with a table of the length of each in kilometers, and of the points or places which they connect.

To the railroads in construction mentioned in the Synopsis, are to be added the two which in a short time will unite the Central Railroad of Chili and the railroads of the Argentine Republic, and which are being at present constructed between the Andes (Chili) and Mendoza (in the Argentine Republic), and between Zumbel (in Chili) and Bahía Blanca (in the Argentine Republic).

The laying of another line is at present contemplated between Valparaiso and Santiago, and the plan of a railroad between Serena and Tarapacá is being prepared, to which end the Government has asked from Congress the funds necessary. This line will connect with the Central Railroad which already runs to the southern extremity of the Republic.

In the same synopsis you will find the data relating to the cost of construction, transportation of passengers, carriage of freight, etc., of the railroad lines of the State.

As for plans, proposals, and estimates relative to all these railroad lines, they do not exist, as you will suppose, in the records of this legation; they are to be found in the archives of the Direction of Public Works of Chili, and it would not be easy to get them here. I hope, however, that they will not be necessary to the purpose of your committee.

With expressions of my most distinguished consideration, I am, your obedient servant,

E. C. VARAS.

Hon. JUAN FRANCISCO VELARDE,
E. E. and M. P. of Bolivia, present.

* Translation.

[Extract from the statistical and geographical synopsis of Chili.]

DEPARTMENT OF INDUSTRY AND PUBLIC WORKS.

PROMOTION OF INDUSTRY.

The development of industry is being rapidly promoted. The National Society of Agriculture of the capital, and the Southern Agricultural Society, the Agricultural Institute by its principal branches of general agriculture, and the practical schools for its teaching and application, established in the towns of Santiago, San Fernando, Talca, Chillán, Concepción, Vicuña, and Salamanca are all working for this end. The mining industry is receiving equally close attention from the National Miners' Association and the practical schools of this branch kept up in Santiago, Copiapó, and Serena. There is also in the capital a Society for the Improvement of Manufactures, a School of Arts and Trades, and a Bureau of Architecture, devoted to the promotion of manufacturing interest, building, etc.

Lines of railroads of the State now in operation.

	Kilometers.	Average cost per kilometer (gold).	Total cost.
Santiago to Valparaiso	187.0	$69,781	$13,049,473
Andes Branch	45.0	22,783	1.025,235
Santiago to Curicó	185.0	32,171	5,951,635
Palmilla Branch	39.0	9,820	422,268
Curicó to Chillán	210.9	28,412	5,994,932
Chillán to Talcahuano	187.5	26,436	4,956,750
San Rosendo to Angol	73.0	28,070	2,049,110
Santa Fé to Los Angeles	22.0	28,070	617,540
Angol to Traiguén	72.0	55,982	4,030,704
Renaico to Fort Victoria	75.0	55,982	4,198,650
Roblería to Collipulli	42.0		
Chanaral to the mineral springs, Ánimas and Salado	60.0	5,842	350,520

Movement of passengers, freight, and baggage in 1887.

Classes.	Passengers.		Freight.		Value of baggage.
	Number.	Value.	Weight.	Value.	
			Metric cwt.		
First	1,112,597	$703,630.25	5,026,714	$1,114,224.46	$88,308.82
Second	802,354	638,300.00	4,737,339	1,675,518.49	68,442.28
Third	543,359	468,909.05	3,637,939	1,122,943.26	63,925.75
Total 1887	2,458,310	1,900,839.30	13,401,992	3,912,986.21	220,677.85
Total 1886			13,062,575	3,691,727.24	234,106.31
Difference			339,417	221,258.97	13,428.46

The total receipts of the railroads of the State in 1887 were $6,349,621.30; the expenses amounted to $4,197,250.66, leaving a clear gain of $2,152,370.64.

The private lines of railroads in operation are, commencing from the north:

	Kilometers.
From the port of Arica to the city of Tacna	63
From the port of Pisagua to Tres Marías, 90 kilometers, and branches to Agua Santa and Puntunchara with sidings	106
From that of Iquique to Tres Marías, 109 kilometers, to Virginia, 31 kilometers,	82
branches to Bodegas with sidings	194
From that of Patillos to Salitreras de Sur	93
From that of Mejillones del Sur to the Cerro Gordo mine	29
From that of Antofagasta, via Salinas el Dorado to the village of Calama, continuing eastward in the direction of the borate deposits of Ascotán on the frontier of Bolivia, and which is to continue some kilometers into the interior of this state to the rich silver mine of Huanchaca	440
From that of Taltal to Cachiyuyal or El Refresco	82
From that of Caldera to the city of Copiapó, branching at the mines of Puquios to San Antonio de Apacheta and to Chanarcillo or Juan Godoy	242
From that of Lower to Upper Carrizal, via Baranquilla and Canto del Agua, 36 kilometers, and thence 45 more to the Cerro Blanco Mine on the east	81
From that of Coquimbo to the city of La Serena and La Compañía	15
From the same to the city of Ovalle with branch to Panulcillo	123
From that of La Serena to Elqui, or to the village of Rivadavia east of the city of Vicuna	78
From that of Tongoy to the mine of Tamaya	55
From that of Laraquete, in the bay of Arauco, to the coal mines of Quilachauquin and Maquegua	40
Total	1,641

Or 1017.4 miles.

RAILROAD LINES UNDER CONSTRUCTION.

The Congress has recently approved a contract made by the Executive with Mr. Newton B. Lord for the construction of the ten lines hereafter mentioned upon the basis of an estimated sum.

The total cost of these works amounts to the sum of £3,542,000 sterling, including in this sum the 13 per cent., to which the excess over the value of the estimates first made amounted.

Only the lines and their distances in kilometers can be noted here, and not the cost of each, because it is not yet known what changes can be made, either in their length or in the alteration of the gauge from wide to narrow, and *vice versa*.

If, for example, the line from Victoria to Osorno be taken, the cost much exceeds the estimates.

The average cost per kilometer, including equipment, etc., is about $27,000, more or less. Thirteen per cent. may be taken as the average excess of cost over that first estimated; thus, for instance, there are lines, the actual cost of which has been 8 per cent., 13 per cent., and in the case of that between Constitucion and Talca, 28 per cent. over the original estimate.

The following table will give the names of the several lines with the extent of each:

	Kilometers.
Ovalle to San Marcos	60
Vilos to Illapel and Salamanca	128
Ligua to Calera and Cabildo	76
Santiago to Melipilla	59
Pelequen to Peumo	35
Palmilla to Alcones	45
Constitucion to Talca	85
Coihue to Mulchen	43
Victoria to Osorno and Valdivia	403
Huasco to Vallenar	48
Total	928

Or 608.84 miles.

THE RAILWAYS OF COLOMBIA.

*REPORT OF MARTINEZ SILVA, DELEGATE FROM COLOMBIA.**

WASHINGTON, *January* 10, 1890.

DEAR SIR AND FRIEND: I send you herewith the information I have been able to collect about the railroads of Colombia. I am expecting a map which I have been advised has been sent, and when I receive it I will take pleasure in forwarding it to you to illustrate the notes appended hereto.

Your obedient servant and friend,

CARLOS MARTINEZ SILVA.

Mr. JUAN F. VELARDE,
Chairman, Committee on Railway Communication, Present.

RAILROADS IN COLOMBIA.

The Republic of Colombia has a population of 4,000,000 inhabitants, with an extent of territory of 13,310 square myriameters, of which 10,354 are uncultivated.

The population is densest along the Atlantic coast, and especially in the interior of the country in the high regions where the climate is mild and healthy and the soil suitable for agriculture.

The highway for communication with the exterior is the River Magdalena, which waters seven of the nine departments into which the Republic is divided, and empties into the Atlantic through the two mouths *Ceniza* and *Rio Viejo*. The Magdalena is navigable for vessels of smal, draught (3—3½ feet) from a little below Honda to Barranquilla. This part of the river is called *Lower Magdalena*. In the dry season its waters diminish greatly, rendering navigation difficult and even dangerous, at least between Honda and the point called Nare. *The Upper Magdalena*, that is to say, from Honda to its source, is also navigable to a great extent (between Honda and Neiva), but there the scarcity of water during a large part of the year is still more noticeable, which renders navigation very irregular and dependent upon circumstances.

The Magdalena being the principal highway of Colombia, and traversing the richest and most populous departments, it is easily understood that the tendency there has been to connect this river with the principal

* Original.

centers of production and consumption. For this reason there is nothing in Colombia corresponding to a *railroad system;* the existing lines, those under construction, and those contemplated are all short, isolated, and independent.

From the first the need which was most urgently felt there was that of communication between the capital of the Republic (Bogotá) and the Magdalena. With this in view, the construction of a railroad was commenced which was to connect Girardot, a port on the Upper Magdalena, a little above Honda, with the table-land on which Bogota is situated (9,000 feet above the sea level). Of this road some 40 kilometers are already constructed, and there remain about 45 more to be built to connect it with the railroad on the plain of Bogota, between that city and Facatativá (37½ kilometers), at the branch line running southward towards the aforesaid railroad of Girardot. The part of this work yet to be finished is relatively the most difficult and expensive, since it must ascend the cordillera, which, as may be deduced from the height of Bogotá, is very high and abrupt.

Even when this road is completed it will not be of great utility for outside trade, since it does not avoid that part of the Magdalena which is most liable to accidents and dangers on account of low water in the river during a large part of the year, and since it requires a transshipment at Honda, where there is a rapid which interrupts navigation between the Upper and Lower Magdalena.

To partly avoid this difficulty another short line of railroad has been constructed, called the *Dorada* (23½ kilometers), between a point below Honda and another above that city.

The *Antioquia Railroad* starts from Puerto Berrio, on the Magdalena, and runs to Medellin, capital of the rich and densely populated department of Antioquia. Fifty kilometers of the most difficult and expensive portion have been constructed. This railroad belongs to the Government of the department, which is disposed to make very liberal offers for its completion. It would be a fine investment for foreign capital.

Another very important line, and one which would yield large dividends, would be the one which would connect the city of Bucaramanga with the River Magdalena. Bucaramanga is the capital of the rich and industrious department of Santander. It is one of the most prosperous cities of the Republic, and is the center of a region which produces large quantities of excellent coffee. The road would be a short one, has been accurately surveyed, and its construction offers no great difficulty.

Another line of railroad is that which runs from Barranquilla, on the Magdalena, to Puerto Colombia on the Atlantic (22 kilometers), which is the place where to-day the greater part of the exports and imports of the Republic are made. The construction of this railroad was made necessary because the mouth of the Magdalena called Ceniza is unnavigable on account of the sand-banks formed there in the struggle between the waters of the river and the sea.

Nevertheless, Puerto Colombia, is not, and never can be, a convenient port, because vessels have to anchor at a considerable distance from the shore.

The best ports of Colombia on the Atlantic are Cartagena and Santa Marta, but the latter city, once very important on account of its communication with the Magdalena, has eventually become cut off from it. An attempt is now being made to re-establish this communication by means of a railroad of which 45 kilometers have already been built. It is under the direction of a private company, backed by European capital.

Those just enumerated are the railroads which communicate with the Magdalena.

Completely independent of these are three others:

That of *Panama*, which crosses the Isthmus between Colon and Panama (76½ kilometers).

That of *Cúcuta*, between that city (which is the southern-most one of the republic), on the frontier of Venezuela, and the river Zulia, by which is exported all the coffee of that part of Colombia and the neighboring states of Venezuela. It is 55 kilometers long, and is an excellent line, constructed with domestic capital and by native engineers, as was also that of the table-land of Bogota.

That of the *Cauca*, starting from the port of Buenaventura and running to Calí, a very important city of the highly fertile valley of the *Cauca;* 21 kilometers of this have been laid, and a European company has recently taken charge of its completion.

From what has been set forth it may be concluded that what Colombia most needs to-day is to construct or finish lines connecting Bogotá Bucaramanga, and Medellín with the Magdalena. A railroad which would ascend this river from Cartagena to Bogotá would obviate all the difficulties of that slow and uncertain navigation. The work would not present serious difficulties of engineering, and would rapidly open up the immense tracts situated along the river, which are exceptionally fertile and rich in all kinds of woods and vegetable products.

As for a railroad to go through Colombia toward the southern republics, I believe that the only possible route would be that of the Lower Magdalena, ascending to Bogotá, crossing the eastern chain, of easy access at many points, and then descending to the immense plains which form the basin of the Amazon and its affluents. Such a work would be colossal in its extent, and would have to be carried through a region of unbroken wilderness, although of a fertility beyond belief. At all events, the enterprise would be worthy of the skill and daring of the people of the United States.

CARLOS MARTINEZ SILVA,
Delegate from Colombia.

WASHINGTON, *January* 10, 1890.

THE RAILWAYS OF COSTA RICA.

*REPORT OF MANUEL ARAGON, DELEGATE FROM COSTA RICA.**

WASHINGTON, *January* 5, 1890.

SIR: In accordance with our conversation relating to the commission, over which you preside so ably, charged with making a report to the above-mentioned congress upon the railroad communications in Spanish-American countries, I have the honor to transmit the following data, wherein I have tried to condense the information concerning Costa Rica's interests in that important question.

The Republic of Costa Rica is situated on the southern part of Central America, between 8° and 11° 16′ north latitude and 81° 40′ and 85° 40′ west longitude, Greenwich meridian. Its territory covers an area estimated at 25,000 square miles, and its limits are as follows: On the north and east it is bound by the Republic of Nicaragua and the Caribbean Sea; on the south and west by the Pacific Ocean and the State of Panama, in the Republic of Colombia.

The Cordillera of the Andes passes through the country from northwest to southeast, and from it are separated the mountains which cross it in every direction, thus forming high lands, immense valleys, and extensive coasts, leaving the territory divided in three different regions: the high-lands, those lying between them, and the slopes of the mountains, and those formed by the coasts in extensive and extremely fertile plains.

The Cordillera of the Andes bears various names in Costa Rica; a part of it, called Mountain of Dota, occupies the central portion of the territory; others are named the Poás and Barba Mountains, which meet on the summits of Irazu and Turrialba and end on the Atlantic coast. Those of Poás and Barba stretch a little toward the north. On the south of Turrialba and on the east of Dota rises the peak of Chirripó, and on a line almost parallel with the littoral of the Atlantic continue the mountains of Lyon (Ujum), Pico Blanco (Kanzic), Pico Rovalo, and the Cordillera of Chiriqui. On the northwest side, with the mountains of Poás, follows the chain forming the hills called Los Guatusos, Tilarán, Cerro Pelado, Tenorio, Miravalles, Rincon de la Vieja, and Orosi. Another important range extends from the mountain of Herradura and joins the great mountain of Dota on the eastern side; between both points are comprised the plateaus of Turrubales, Puriscal, and Candelaria. In that manner the principal altitudes of Costa Rica meet together, and are divided throughout the country in numerous

* Original.

and varied regions, among which attention must be called to the mountain of Aguacate (formerly called Terroto), celebrated for its mineral wealth, especially in gold and silver.

The several heights referred to have been measured and the following is the result:

	Feet (English).
Pico Blanco	11,800
Volcano Irazu	11,500
Volcano Turrialba	11,350
Volcano Poás	8,895
Volcano Barba	8,700
Pico Rovalo	7,012
Alto Chomozo	5,265
Volcano Orosi	5,200
Miravalles	4,700
Mountain Aguacate	4,132

The whole territory is crossed by rivers and small streams bringing fertility everywhere, and offering great inducements to various industries, which will find sufficient motive power in the currents for all kind of machinery.

The principal rivers coursing toward the Pacific are the Tempizque, which, uniting the waters from almost the entire province of Guanacaste, empties into the Gulf of Nicoya. That river, like a great many of its tributaries, is navigable for many miles for boats drawing 4 or 5 feet of water. Then comes the Barranca River, which empties east of Puntarenas, the Jesus-Maria River, and the Rio Grande, all of which empty in the same Gulf of Nicoya. The Pirris, Naranjo, Savegre, Baru, and Rio Grande de Terraba empty directly into the Pacific Ocean. The Dulce, El Coto, Pavon, and other rivers of lesser importance flow into the Gulf Dulce. The Frio River, navigable to a considerable distance, empties into the Lake of Nicaragua at the very place where the San Juan River begins. The Zapatero, Viejo, Negro, and Platanares Rivers also empty in the same lake. The San Carlos and Sarapiqui are tributaries of the San Juan, whose course runs between Costa Rica and Nicaragua toward the Atlantic. The Sucio River is divided between the Sarapiqui and the Colorado, thus facilitating the communications with an extensive territory.

In the Caribbean Sea, or of the Antilles, empties directly the Colorado River, which in its widest part receives the waters of the San Juan and to its outlet on the Atlantic; the Parisimina, wherein the Reventazon empties itself, and whose source is southwest of Cartago; the Pascuara and Matina, communicating together by great creeks, and the Toro or Morin. All these rivers are situated on the northern side of Port Limon, as well as the Penitencia, Suerte, Palacio, Tortuguero, and Sierpe, of smaller importance, which empty in a creek communicating with the Sea of the Antilles at the point called Tortuguero. South of Port Limon, empty the Limon, Banana, Bananita, and

other shallow rivers. The Telire or Sixola River passing through a great tract of land, and the Tilorio or Chanquinola, celebrated under the name of the Estrella River, empty in a more southerly direction after irrigating with its numerous tributaries the important territory of Talamanca. The Bananas, Barras, Rovalo, and other rivers of little consequence empty in Admiral Bay.*

The climate of Costa Rica is remarkably mild and healthful. There is no extreme heat or cold, neither are there endemic or virulent diseases. The mean temperature in the high-lands is from 14° to 20° centigrade, and from 20° to 26° on the coast.†

It can be said that there are but two seasons; the dry one and the rainy one. The first is from November to May; in the latter the rain generally begins and lasts until November. In either of those seasons the sun rises, with a difference of a few minutes, at six in the morning and sets about the same time in the evening.

Storms, cyclones, and hurricanes, which in other localities cause so much damage, are unknown in Costa Rica, nor is there any danger of inundations on account of the heavy rains, owing to the peculiar configuration of the country.

The present population of the Republic, according to the report of the Bureau of Statistics for 1888, is 205,000 inhabitants of European origin; the homogeneity of the white race of Spanish descent being very notable. There are neither negroes nor Asiatics, and the Indians are in so small a proportion that they are not considered important enough to be mentioned in the census. The number of foreigners residing in the country can be estimated at 8,000, and is composed mostly of Germans, French, English, and North Americans.

The principal port of Costa Rica on the Atlantic is Limon, situated about 10° north latitude, and 83° 4′ west longitude, Greenwich meridian. On the Pacific the principal port is Puntarenas, on the Gulf of Nicoya, and is also about 9° 58′ north latitude by 84° 46′ of same longitude; the distance, therefore, in a straight line between the two ports being 1° 42′, or from 102 to 103 geographical miles.

The Republic is divided into five provinces and two *comarcas*, and the principal cities are situated as follows:

Provinces.	Cities.	Latitude north.	Longitude west.
		° ″	° ″
San José	San José	9 56	84 6
Cartago	Cartago	9 54	83 58
Heredia	Heredia	9 59	84 9
Alajuela	Alajuela	9 59	84 15
Guanacaste	Liberia	10 32	85 15
Comarcas:			
Puntarenas	Puntarenas	9 58	84 46
Limon	Limon	10	83 4

* Costa Rica in 1886, by J. B. Calvo.

† Costa Rica y su Futuro, by Paul Biolley.

The cities of Alajuela and of Heredia are northeast of San José, at a distance of 7 and 14 miles (English) respectively; and Cartago, southeast of the above-mentioned city of San José.

These cities are the most important of Costa Rica, and their heights above sea-level are as follows:

	Feet.
San José	3,868
Cartago	4,930
Heredia	3,786
Alajuela	3,001

From the total of the population corresponding to each of the provinces, according to the division previously made, the number of inhabitants is as follows:

San José	64,000
Alajuela	51,000
Cartago	34,000
Heredia	29,500
Guanacaste	16,000
Puntarenas	8,500
Limon	2,000

The principal products of Costa Rica consist in coffee, dye and cabinet woods, bananas and other fruits, hides, skins, mother-of-pearl, sarsaparilla, cocoa-nuts, etc.

The value of the importations of foreign merchandise in 1888 amounted to $5,203,000, corresponding to an average of $25.30 for every inhabitant; and the exportations during the same year were $5,714,000, or an average of $27.87 per capita.

Of the value of the importations, those from the United States represent a sum of $1,794,000, equal to about 33½ per cent. of the whole importations; and the value of the exportations to the United States was $2,077,000, or about 36½ per cent. of the total value of the exported products.

The importations from the United States to Costa Rica consist mainly in cotton goods, tools, machinery, and provisions. The exportations from the latter to the former are principally coffee, fruits, hides, skins, and India rubber.

The national revenues in 1888 amounted to $3,687,595, a sum which, divided among the population according to the calculation made, gives an approximate contribution of $18 per inhabitant.

The roads in Costa Rica are national and municipal. The national are those which communicate with the principal centers of population, and the latter with the ports of entry. Their construction and maintenance are paid out of appropriations made by the state, and for this reason are controlled by the Minister of Fomento. The municipal roads are those which connect the smaller populations with the larger ones or with the principal cities, and extend their branches in every inhabited or producing locality. These roads, for the most part, are splendidly built, and would be thought admirable everywhere.

The cities of Cartago, San José, Heredia, and Alajuela, besides their extensive and contiguous roads and national highways, connect with each other by railroad, and the trains, at present, make three regular daily trips between the 28 miles which separate the former from the latter cities.

The railroad called the Atlantic line, starts westward from Port Limon and arrives at Reventazon, thence branches off in two directions, one southwest, to connect with the Central Railroad running between Cartago and Alajuela already referred to; and the other, going northwest, crosses the fertile plains of Santa Clara and, for the present, terminates at Carillo. The plain of Santa Clara contains a great number of valuable banana plantations, stock farms, etc.; the same can be said of the Valley of Matina, west of it, and the favorable locality for the cultivation of cacao, which produces a crop of excellent quality.

The length of the railroad from Limon to Cartago is 95 miles, and from Limon to Carillo about 72 miles, due, in both cases, to the sinuosities of the ground near the ascent toward the interior.

From Cartago to Puntarenas, on the Pacific, there is a magnificent national highway, very uneven at the part crossing the summit of the mountain of Aguacate, but which continues in that direction for the purpose of maintaining easy communications with the rich gold and silver mines that are exploited in that mountain so favored with great mineral wealth. The height of the summit of that mountain, where the road referred to crosses it, is 4,132 feet above sea-level. There is between Alauela and Puntarenas quite a number of small populations, and, among them, three important towns, such as Atenas, situated at 2,380 feet above the sea; San Mateo, at 1,050 feet, and Esparta, at 718 feet.

From Esparta to Puntarenas, besides the highway the first section of 14 miles of the railroad of the Pacific line has been constructed and is now in operation.

From Esparta to San Mateo the distance will be 12 miles, the same from San Mateo to Atenas, and from Atenas to Alajuela. The total number of miles of the highway from the latter city to the above-mentioned port is over 50 miles long on account of the uneven road across the mountains.

There is another highway which had been very important for the communications with Limon by the railroad ending at Carillo. It is the one starting from San José in the direction of La Palma, crosses that height at 5,000 feet above the sea, and descends to Carillo, which is only 1,400 feet high. That highway is 25 miles long, and it must be observed that in a distance of 17½ miles separating the two places referred to the difference of the level between both is 3,600 feet.

There was always a project of an interoceanic railroad. The national congress made an appropriation of $25,000 for a final survey of the part to be built between Alajuela and Esparta, and the Govern-

ment received proposals for its construction. It is also intended to build a branch to the port of Tivives, though not a port of entry, but which could be made one, owing to its excellent conditions of security and for its facilities.

A new railroad is nearly completed, which is to run across the regions of the country that excite the most the desires of the settlers on account of the great abundance of beautiful cabinet woods, dye-woods, and timber to be found in those localities, as well as for the richness of the soil for agricultural pursuits. That line is to start from Jimenez, on the Atlantic Railroad, nearly 10° 10′ north latitude, and 83° 45′ west longitude, Greenwich meridian; taking a north-northwest direction, it will cross the Sarapiqui River at the point called El Muelle, or at another more or less immediate; thence taking a northwest direction it will continue to the Frio River at its entrance on the Nicaraguan territory.

This new road will open, as already stated, one of the richest regions of the country, and though the hope that the interoceanic canal may be constructed within a few years, or that the realization of that great enterprise may be delayed longer, the railway from Jimenez to Frio River will give life to and develop many important undertakings. Even supposing that the lands should not be, as they are in reality, adapted to every kind of cultivation, the fact alone of facilitating the exploitation of the forests which, to-day, contain an immense amount of India rubber and other trees of different species, as already said, would justify the efforts made by the Government for the construction of the line alluded to.

Upon the accompanying map has been marked, in black, the probable direction which the said railroad shall follow. Its length will be about 80 or 90 miles from its starting-point.

The land communication with Nicaragua begins at a place called La Barranca, close by Esparza; crosses the entire Province of Guanacaste, a distance of 90 or 100 miles, and, though in the dry season the traffic is made by carts, during the rainy one it can only be carried by means of beasts of burden, owing to the even surface of the road, which does not give to the waters a sufficient incline to run off, nor absorb them quickly enough to make it passable.

In a southwest direction, starting from Candelaria, south of San José, and partly following the Pacific coast, there is a bridle-path that passes through the land occupied by the native population of Terraba and Boruca, and ends on the Colombian frontier. The length of that path, crossing through places almost depopulated, added to the facilities of communication by steam with Panama, causes the traffic to be made by sea to Colombia instead of by the road referred to.

There is a path which starts from Angostura, east of Cartago, and leads to the localities southeast of the territory inhabited by the Indians of Talamanca, who use it only on account of its being more easy and accessible to those distant regions by way of Limon and Puerto

Viejo (Old Harbor), being near that point, and with which they communicate by a bridle path.

The distance of the railroad from the Atlantic to the frontier of Colombia, can be calculated at 120 miles in a direct line; but, were it a question of a railroad between both places, the length could not be estimated at less than 150 miles, owing to the configuration of the land and to the consequent deviation from the straight line.

PROJECT OF A RAILROAD THROUGH THE LENGTH OF THE COUNTRY.

From the preceding remarks, it is clearly seen that the railways constructed in Costa Rica follow a transversal direction from the one to be taken by the projected line lengthwise of the continent, and that only the road from Jimenez to the Frio River could form a part of that great line if, touching it on the Costa Rican territory on the northern frontier, it was directed or laid toward the Frio River; but, as the railway system in Nicaragua tends toward Granada, it can not be indifferent to that republic to connect the city of Rivas with that railroad, it is natural to suppose that, in such a case, the line would reach Costa Rica west of the Lake of Nicaragua, and the track run south, more or less parallel with the shore of said lake and join the road of Jimenez to the Frio River.

But leaving the latter supposition and taking for granted that from the northern shore of the above mentioned lake, the railroad shall pass south of Costa Rica, that Republic would see with great interest the intercontinental road cross the territory of Guatusos to its connection with the Jimenez and Frio River line branch, already referred to, on account of the immense advantages to be derived from the opening of these extensive and rich lands. Besides the economy of construction, the enterprise would find ample means of sustenance, according to the natural features of the soil, all offering every desirable condition as to the cost, as well as to the interests it would develop.

The extension of that part of the road, about 60 or 65 miles, would give an impulse to all the natural resources, as well as to a thousand various undertakings that would be started, not only on the plains of Guatusos, but also on those of San Carlos, to which would be added the movement of the great interests already existing in the region of Santa Clara. By that connection, the expenses of the construction of about 80 miles of the proposed transcontinental railway would be more economical.

Supposing the above idea be accepted, and establishing Matina as the starting point south, the southeast line would extend about 120 miles toward the frontier of Colombia and pass through very fertile lands, where there is an abundance of timber, brush-woods, etc., and a great variety of minerals. It results, therefore, that the railroad from the limit of Nicaragua, following the Atlantic coast to the frontier of

Colombia, would cross the territory of Costa Rica on a line of about 200 or 220 miles long.

A similar project, to be realized on the Pacific side, would include something like 50 miles more than the preceding one; that is to say, between 250 and 260 miles in length, and much nearer to the Pacific coast, so as to follow it almost on a parallel line, but it would not pass through such rich localities, nor offer such a bright future like those above mentioned.

I considered proper to transmit to you the data contained in this communication, bearing upon the topography of the country, so as to convey an idea of the position of the Cordilleras and principal mountains, in order that their configuration may be well understood; and by this means help to decide upon the most convenient line for the projected transcontinental railroad passing through the Costa Rican territory. In the same manner I have thought useful to furnish the statistics in this report, as they indicate with sufficient correctness the resources upon which the Republic relies to-day. From them, therefore, it will be easy to judge of the development they would receive in a given time, impelled forward by an enterprise of such magnitude. In regard to the position of the existing railroad lines, the accompanying map will help to show it.

There remains but one more observation, and it refers to the number of inhabitants in Costa Rica, which has been calculated upon the most exact figures furnished by the Bureau of Statistics; and, as you are well aware in making a census there are often many errors, owing sometimes to unavoidable omissions, that of Costa Rica, being made quite a long time ago, does not contain the indigenous population; nor has another edition been published for some years past to make the necessary corrections. For this reason the actual population is estimated at not less than 225,000 inhabitants, according to the opinion of various writers well acquainted with the country; still, it ought to be estimated higher if the relation which always exists between the total of inhabitants and the number of soldiers and that of children attending schools is taken into consideration.

In the hope that what precedes will prove of some use to you, I have the honor to be, sir,

Respectfully, your obedient servant,

MANUEL ARAGÓN.

Hon. Sr. Don JUAN F. VELARDE,
Delegate from Bolivia to the
International American Congress, present.

WASHINGTON, *January* 13, 1890.

SIR: In answer to your favor of the 7th instant, I have a great pleasure in transmitting herewith the information you were pleased to in-

dicate, thus supplementing that contained in my communication of the 5th instant.

The cost of constructing railroads in Costa Rica varies, of course, according to the conditions of the lands they have to pass through, the value of private property to be expropriated, and the topographical difficulties to overcome in different places; but judging from past experience the highest cost could be estimated, at the most, between $60,000 and $70,000 per mile, equipped with its corresponding rolling-stock, machine shops, and other necessary appurtenances. It must be observed that the present lines cross the Cordillera, and that until now none has been constructed running parallel to it.

The general traffic at the ports of the Republic, taking as a basis the quantity of imported merchandise and exported products, not only in the rough weight, but also in the bulk or capacity as when received on board the vessels, could be estimated at 66,500 tons, and the traffic of the interior, though its importance is not entered on the official records, could be put at 40,700 tons.

About 50,000 tons of the general traffic are carried by the Atlantic Railroad, and should it increase in proportion to the progressive development of the country during the past five years it can be expected that within the same lapse of time it will augment at least 40 per cent. of its actual importance.

The freight per ton by the line above mentioned is $17 in American gold.

The earnings from the freight and passengers deducted from the corresponding expenses give an annual profit of over 10 per cent. on the invested capital.

I have the honor to remain, sir, your obedient servant,

MANUEL ARAGÓN.

Hon. Sr. Dn. JUAN F. VELARDE,
Delegate from Bolivia to the
International American Congress, present.

THE RAILROADS OF ECUADOR

REPORT OF MR. J. M. P. CAAMANO.

My VERY DISTINGUISHED FRIEND AND COLLEAGUE:

In accordance with your request that the various Delegates composing the Committee on Railroads furnish some data relative to railroads in their respective countries, I have the honor to give the following:

The construction of railroads in Ecuador began in 1872 under the administration of Mr. Garcia Moreno by commencing the road of Yaguachi, to place the coast provinces in connection with the capital of the Republic and the provinces to the east and north of Guayaquil. Various difficulties made this work slow, and during said administration up to 1875 about 70 kilometers, to a point called "Barraganetal," were built. Afterwards, during the administration of Presidents Barrero and Veintimilla, the same line was extended to the vicinity of the Chimbo River that marks the limits of the coast lands and the beginning of the Cordilleras of the Andes. Later on, and under the administration of the undersigned, work was renewed on the line from February, 1884, to June, 1888, by virtue of a contract entered into with Mr. Marcus J. Kelly and by the executive power, and approved by Congress in 1885; according to which, 82 additional kilometers were to be constructed from Chimbo to Sibambe.

The contractor has encountered many obstacles, the principal one being lack of laborers; for Ecuador has only a population of 1,500,000 inhabitants; and as the agricultural industry absorbs most of the workmen, it is difficult to find any considerable number of hands. At the commencement, the contractor associated with him some Guayaquilian capitalists, and with them secured a loan in Europe; but this loan has not proved sufficient, and to-day they are making arrangements to overcome all obstacles and finish the contract. The road being once finished to Sibambe, and the serious difficulty of passing over the western range of the Cordillera surmounted, the prolongation of the line some 300 kilometers, more or less, to the capital is very practicable.

A syndicate of European capitalists have made a proposal to the Government, which, among other things, contemplates the finishing of the railroad alluded to, not only to the capital but to Ybarra, an important city situated about 90 miles to the north of Quito.

It is not possible for me to assure you that this proposed plan will be realized; but I know that the President, devotedly interested in the progress of the country, has called an extra session of Congress that

will assemble on the 15th of May and will interest itself principally in this matter.

From Sibambe to Quito and thence to Ybarra this line will encounter less difficulties to construct; because in the provinces of the interior the climate is healthy, and it is easy to obtain workmen. Moreover, wages are very low, and the railroad can take in its line some sections of a wagon road we have, having a length of some 200 kilometers. This wagon road, on account of its width, accommodation, and one hundred and sixteen bridges (among them are true works of art), it can be said, is one of the best roads in the world. There are a number of contractors ready to undertake the construction of a road from Sibambe to Quito, and I have no doubt but that a contract will be made before the conclusion of the year. This line would open up a wide field for the development of fertile lands, and very rich are those lying between the two ranges of the Cordilleras. This section is the center of a population noted for agricultural pursuits, and comprising such towns as Alausi, Chimbo, Guaranda, Riobamba, Guano, Colta, Ambato, Pelileo, Patate, Pillaro, San Miguel, Satacunga, Machachi, Chillo, Quito, Cotocollas, Pomasqui, Puembo, Tumbaco, Otavalo, and Ybarra.

There are about 100 kilometers of railroad constructed up to date in this line, the most important of all.

Between Chimbo and Sibambe the greatest difficulty is encountered in constructing the railroad of the south; because there must be passed over a great part of the western chain of the Andes, and the road must climb up to an elevation of 3,000 meters in a distance of about 50 kilometers; for which it has been necessary to attain a grade of 82, crossing over enormous precipices, rocks, and wide rivers. This accounts for the slowness in carrying on such a collossal work that rivals or exceeds, perhaps, the road built on the lands of Oroya in Peru.

In order to comprehend the magnitude of those obstacles, it is sufficient to state that the contract with Mr. Kelly was fixed at $145,000 per league, and this sum, although seemingly high, does not cover the expenses of construction, according to documents and publications I have among my papers.

On the 9th, of April, 1884, the Ecuadorian Congress made a law authorizing the executive power to appropriate $300,000 for the construction of a railroad of Manabi, a province of the Pacific coast, and in August, 1887, a contract was made with Mr. Ignacia Palao to construct said line, which to-day is being built, with strong subsidies which the Government gives, and a loan obtained from European capitalists. This road commences from the bay of Caraquez, and crosses a region of exhuberant fertility, and has but little obstacles along the proposed route. The length of the road will be 400 kilometers, more or less, and connects the rich and industrious province of Manibi with the capital of the Republic.

The province of Rios, Guayas, and Esmeraldas are washed by a net-

work of large and small rivers, the greater part of them navigable; and their valuable products are carried by a large number of steamers that ascend these rivers to points that seem almost inaccessible. The laws of the country that open up the country and give facilities have served as a stimulus for various companies; and these, due to keen competition, have so lowered the rates on freight and passengers as to come within reach of all; thus giving an accommodating, quick, and cheap service. Notwithstanding this condition of affairs, a contract was awarded to Mr. Joseph Theakston to build railroads in the province of Rios in order to give a greater facility of communications, and for the transportation of fruits, among them being that of cacao, which in this province alone amounts to some millions annually.

In March, 1884, another concession was given to Mr. Antonio Meina to build a railroad between the cities of Machala and Cuenca, and which is about 180 kilometers in length. To-day, this contract is in the hands of the family of Mr. Juan B. Dávilla, whose heirs are endeavoring to arrange amicably the difficulties that had arisen, due to the recent demise of the contractor. This line shall pass through Azogues and join the three provinces of Ora, Canar, and Azuay In May of the same year, a concession was also made to Messrs. Muñoz and Wilczynska for the construction of another line between Santa Rosa and Zaruma, districts in the province of Oro. The length of this road is only 40 kilometers, but it runs through the rich mineral districts of Zaruma whose ore is of high fineness, and employs the work of a multitude of mining enterprises that are constantly being established with native and foreign capital, under the sanction of the most liberal mining laws, that I had the satisfaction to approve in August, 1886.

About the middle of the year 1887 a contract was made with Mr. Marcus J. Kelly to establish a railroad between Duran and Yaguachi. It is about 22 kilometers long. It is finished and in running operation, costing $650,000.

In the same year Mr. Francisco Wyte Wiswell made a contract to build a railroad between Ybarra and Pailon, in the province of Esmeraldas. This road is from 110 to 125 kilometers long; and if it should be built, or better, I should say, when it is built, will give an outlet for the valuable products of the provinces of Ymbabura and Carchi that are situated on the boundaries of Colombia.

As a counterbalance to the material obstacles that the accidents of the land in Ecuador present for the construction of railroads, we have, on the other hand, the advantages that our forests abound in indestructable woods for railroad ties and other things; that the narrow-gauge system is adopted, and that in our contracts we cede lands of the first quality and large area, and that our laws accord protection and privileges of positive importance.

The present epoch of peace that the country enjoys, the path of progress that its able ruler follows, and the foreign credit which undoubt-

edly shall remain solidified by the legislature, which for that object is going to assemble, leads us to hope with foundation that the public works initiated by the preceding administration will be carried out and new ones inaugurated in accordance with the demands of the present century, in which the prosperity of the people spreads itself on wings of electricity and carries forward its march by means of railroads.

Your obedient servant and friend,

J. M. P. CAAMANO.

Hon. Mr. J. F. VELARDE.

THE RAILWAYS OF GUATEMALA.

REPORT OF FERNANDO CRUZ, DÉLEGATE FROM GUATEMALA.

MEMORANDUM OF RAILROADS IN THE REPUBLIC OF GUATEMALA.

There are only two lines constructed and in actual operation in Guatemala: that which starts from the capital and terminates at the port of San José, and that which connects the city of Retalhuleu with the port of Champerico. The first is 70 miles long, and is owned by a North American syndicate. Negotiations are now pending looking to its purchase by the Government. The extent of the second is 27 miles; it belongs to Guatemalan capitalists.

Some time since a contract was made for a branch line, which, starting from Old Guatemala, would unite with the aforementioned lines. The company commenced the work, but it is now paralyzed.

The greatest work which the Republic has in view is the construction of the Northern Railroad, which will begin at the capital and end at the Bay of Santo Tomas on the Atlantic, crossing through extensive territories, fertile and rich in natural products, and providing the important cities and agricultural centers of the country with a natural road, short and cheap, for the commerce of Europe and the United States. This line, connecting with that from Guatemala to San José, will constitute a great interoceanic road. Its total cost is calculated at from $8,000,000 to $9,000,000. The Government has already contracted with a French syndicate for its construction, but it is not yet known if this syndicate can carry out its agreements.

The Northern Railway constructed, its most important branches will be to Santa Ana, in the Republic of Salvador, furnishing an outlet by the Atlantic for the fruits which that country produces; to Mazatenango or Retalhuleu, in the western district, to connect the most valuable agricultural belts of the Republic with the interoceanic line; to Coban, on the northern coast, an important coffee center; and to the capitals of the eastern districts.

Other important lines would be those which should connect the Port of Ocos with the agricultural centers of Costa Grande, and Cuca, of Tumbador, and of San Marcos in the western districts.

We might connect with Mexico by means of a railroad run by way of the Pacific coast to the frontier of both Republics. One which should

be built crossing the extensive and sterile district of Peten would be enormously expensive and of difficult execution.

A line which should connect us with the Republic of Honduras, besides being unprofitable, would be difficult and costly.

The other railroads which the country needs for its development are of less importance than those here indicated.

FERNANDO CRUZ.

THE RAILWAYS OF HONDURAS.

*REPORT OF JERONIMO ZELAYA, DELEGATE FROM HONDURAS.**

WASHINGTON, D. C., *January* 12, 1890.

ESTEEMED COLLEAGUE: It gives me pleasure to reply to your polite request by furnishing you with information relative to Honduras desired by the Railroad Committee, of which you are chairman.

Honduras is situated between the thirteenth and sixteenth parallels of north latitude, having 250 miles of coast on the Atlantic, and 60 on the Pacific, with magnificent harbors on both oceans. Being favored with peculiar advantages for the construction of an interoceanic railroad, gifted with a healthy climate, and possessing varied and abundant natural resources, it finds itself in circumstances exceptionally favorable for establishing with all the countries of America, and even with the whole world, a commerce of the greatest importance.

Honduras is truly rich in useful and precious metals, in extensive and fertile farming lands, in lumber for building and cabinet work, and in textile and medicinal plants.

The government of Honduras, being convinced that the best means for developing the country would be to traverse it by an interoceanic railroad, attempted its construction as much as thirty years ago. Not being able to organize a company in this country, it at length contracted in England a debt of $5,000,000 for the execution of a third part of the work, mortgaging the road itself and the government lands. In October, 1868, the work was formally commenced at Puerto Cortez; but scarcely had 50 miles of the road been laid, at a probable cost of a million and a half at the most, when Honduras, the victim of wretched management, found herself defrauded of the remaining millions, and indebted without the power of prosecuting the work. Since then other endeavors have been made to arrange the debt in England, and secure the continuance of the railroad, but these efforts have been of little avail, and at the present date Honduras possesses only her hopes for the future and 38 miles of railroad in actual operation, since the remaining 12 miles became useless, owing to the destruction of an iron bridge over the Chamelicon River, and to-day sleepers and rails lie buried beneath the grass.

The interoceanic railroad projected between the Bay of Honduras, on the Atlantic, and the Bay of Fonseca, on the Pacific, will be 200 miles

* Translation.

long, and have, at the center, a maximum elevation of 2,850 feet, or a grade of 29 feet to the mile, rather less than 1 in a 100. This favorable circumstance is due to a break at this point in the Cordillera of the Andes, and to the fact that a chain of rich and fertile valleys extends from north to south, thus materially facilitating the performance of the work, and insuring the success of the enterprise.

The road is to-day in the hands of Mr. Kraft, of Puerto Cortez, who leased it from the goverment for thirty years, five of which have already passed. This gentleman keeps the existing lines in operation, and obtains from the traffic between Puerto Cortez and San Pedro Sula a monthly return of about $1,250. In case of the organization of a company to continue the road, Mr. Kraft will offer no objections.

The diagrams, profiles, and other details relating to the road will be found explained in the work of G. S. Squier, entitled "Notes on Central America," and may perhaps be found also in the archives of the State Department.

Another railroad from Puerto Cortez to Truxillo, 150 miles in length and parallel to the Atlantic coast, has been commenced on account of its obviously great importance to the development of the country. The principal objects of this road are the exploitation of valuable woods and the advancement of agricultural industry in the northern part of Honduras. For the construction of this road the government has made a liberal concession to Mr. S. B. McConnico, general agent in New Orleans, of the Illinois Central. It is to be hoped that the concessionary will avail himself of this grant, and construct the road within the time specified.

There is also a railroad projected, but not yet commenced, which is to unite the port of San Lorenzo, in Fonseca Bay, with Tegucigalpa, the capital and commercial and mining center of the Republic. This line will be over 100 miles in length, and, compared with those heretofore described, will be relatively costly. The annual imports and exports of Honduras are as follows:

IMPORTS.

	Packages.
For the the Pacific, Port of Amapala (7,389,707 pounds)	59,192
For the Atlantic:	
Port of Cortez	31,899
Roatan y Ulila (7,347,745 pounds)	16,580
Trujillo	23,168
Total	71,647

EXPORTS.

For the Pacific	$1,805,378.33
For the Atlantic	1,271,114.88
Total	3,076,493.21

Of which $1,500,000 are exported to the United States in silver and gold, and $1,000,000 in fruits, lumber, India rubber, and sarsaparilla.

The maritime movement of the ports is as follows: In service on the Pacific, 11 steamers and 12 sailing vessels; on the Atlantic, 34 steamers and 44 sailing vessels.

Which figures, relating to the past fiscal year, clearly show that during the construction of the railroads above mentioned, and especially of the interoceanic one, a large traffic between the ports and the interior of the country would be developed, proportionate to the immense natural wealth of the country, which is at present lying undeveloped.

Moreover, it should be taken into consideration that once interoceanic communication is established across Honduras it would serve for general transportation, competing successfully with Panama, especially with places north of the equator, such as San Francisco and New Orleans, or New York and San Francisco.

Appended will be found a map of Honduras, which, although imperfect in detail, is sufficiently correct as a whole. There is not yet a complete map of the country drawn with scientific precision; but, having taken the limits of the coast from the United States hydrographic charts, and the border lines of the adjoining Republics, which have been well laid down, the details were filled in by means of observations made by experienced travelers.

With expressions of sincere esteem, I am, your obedient,

JERONIMO ZELAYA.

Hon. J. F. VELARDE,

Delegate from Bolivia, and Chairman Committee on Railroads.

THE RAILWAYS OF MEXICO.

The Mexican system of railroads since the completion of a line from Vera Cruz to the City of Mexico, with a branch to the city of Puebla, has been greatly developed. The country is now pretty well intersected by railways, and their construction is being rapidly pushed forward. In a short time Mexico will possess a net-work of railroads that must materially develop her vast natural wealth.

In 1879, there were only 372 miles of railway. From 1880 to 1884 the construction of new lines may be said to have been rather too rapid. In 1883 the number of miles existing was a little over 2,800.

In 1886 there were in operation about 3,725 miles of railroads.

In 1887 there were open for traffic 3,870 miles besides 92 miles of city or suburban lines, altogether 3,962 miles.

The Mexican minister, Señor Don Matias Romero, in a letter on the railroads of his country, dated April 30, 1890, says:

The only data which I can give you on the subject is the inclosed list, showing the number of kilometers of each line constructed. The President in his address to the Congress on the 1st instant, stated that Mexico has 8,850 kilometers of railroads.

All of the railway lines are subsidized, excepting the International Railroad.

List of railroads in Mexico.

	Kilometers.
Mexican Central Railroad (broad gauge):	
Mexico to Paso del Norte	1,970
Tampico to San Luis	442
Silao to Guanajuato	23
Soledad to San Luis	6
San Luis to Guaristemba	25
Aguas Calientes to San Luis	210
Irapuato to Guadalajara	260
Marques to Zimapan	24
	2,960
Mexican National Railroad (narrow gauge):	
Mexico City to Laredo	1,351
Acambaro to Morelaia	92
Morelia to Patzcuaro	62
Mexico City to El Salto	67
Manzanillo to Armeria	45
Zacatecas to Ojo Caliente	47
Matamoros to San Miguel	20
	1,684
International Railroad, from Torreon to Piedras Negras (broad gauge)	617
Mexican Railroad, Mexico City to Vera Cruz, and branches to Puebla and Jalapa, (broad gauge)	569
Intercolonial Railroad (narrow gauge)	623
Tehuantepec Railroad	108

Hidalgo Railroad	157
Guaymas to Nogales	422
Sinaloa to Durango	62
Salamanca to Valle de Santiago	14
Cordova to Tuxtepec	37
Monterey al Golfo	256
Chihuahua to Parral	5
Potrero to Cedral	20
San Juan Bautista to Tamulta	3
Toluca to San Juan	12
Tlazcala to Santa Ana	8
Tlalmanalco Railroad	20
Tehuacan to Esperanza Railroad	50
Vera Cruz to Alavarado	71
Puebla to Izucar	46
Calkini to Campeche	67
Merida to Sotuta	54
Merida to Calkini	52
Merida to Progreso	26
Merida to Valladolid	80
Merida to Peto	75
Maravatio to Iguala	45
Tramways	584
Cardenas to Rio Grijalva	8
Orizaba to Igenio	5
Chalchicomula Railroad	10
Total	8,850

WASHINGTON, *April* 30, 1890.

REPORT OF SEÑOR GENERAL ENRIQUE A. MEXIA ON THE RAILROADS OF MEXICO.

To the President of the Committee on Railroad Communication:

SIR: The Mexican railroad system consists, to-day, of 8,850 kilometers completed and 2,793 kilometers in course of construction. Two interoceanic lines will shortly be finished, the interoceanic from Vera Cruz to Acapulco, and the Tehuantepec from Coatzacoalcos in the Gulf of Mexico to the Pacific Ocean. The latter line will be completely finished before the end of three months. The lines that can serve for the Continental International Railroad are two: the Mexican International and Mexican Central. The former could be employed for traffic from all points between the Atlantic coast and the Rocky Mountains, and the latter for the traffic between the said mountains and the Pacific coast. These two lines unite in the Torreon, and come on only one line, the Mexican Central, to the city of Mexico.

From the capital of Mexico the route along the Vera Cruz Railroad would be taken to a point called Esperanza and from there to Tehuacan, which is the terminus of the constructed lines; and from thence the route would be taken that is in course of construction toward Oaxaca, Tehuantepec, and the Republic of Guatemala.

E. A. MEXIA.

WASHINGTON, *April* 15, 1890.

THE RAILROADS OF NICARAGUA.

MEMORANDUM CONCERNING THE RAILROADS IN NICARAGUA.

There are at present in operation in Nicaragua about one hundred miles of railroad.

The line is divided into two sections, which are called the Eastern and Western. They are separated by Lake Managua, the 24 miles of width of which are crossed by commodious steamers.

The Western section, which was the first constructed, starts from the port of Corinto, on the Pacific, and terminates at Lake Managua, as above stated. On this line, which is 57½ miles in length, is a great bridge over the estuary or inlet of Paso Caballos, which is a notable piece of engineering.

The Eastern section of the railroad goes from Managua, the capital of Nicaragua, to Grenada, a city situated on the great Lake Nicaragua. As this city is in direct and constant communication, by means of the the lake and the San Juan River, with the port of San Juan del Norte, or Greytown, on the Atlantic, it results that there exists across the territory of Nicaragua good and easy communication between the two oceans.

The Nicaragua railroad is on the American system, and was constructed exclusively with national capital, without aid from foreign funds. The road, as well as the rolling stock, is of the best quality. Although of small dimensions as yet, it is of the greatest utility to the country, for it brings in contact many of its principal commercial centers.

In Nicaragua there is noted a great interest in the development of railway enterprises, and it is certain that before long the number of miles in operation will have increased considerably.

As regards the connecting of the Nicaraguan railways with those which may be constructed in the neighboring republics, the work would present no difficult engineering feats as far as the topography of the country is concerned.

H. GUZMAN.

THE RAILWAYS OF PARAGUAY.

*REPORT OF JOSÉ S. DECOUD, DELEGATE FROM PARAGUAY.**

WASHINGTON, *January* 23, 1890.

DISTINGUISHED COLLEAGUE: In reply to your esteemed favor of the 7th instant, I have the honor to forward to you the information requested with respect to the railroads of Paraguay, together with a map of the Central Railroad and its connection with the Argentine system.

In the report of the engineers, Burrell and Valpy, which I beg leave to append, you will find all the information I can procure which would be suitable to your needs.

With expressions of my most distinguished consideration, I remain,

JOSÉ S. DECOUD.

Hon. Dr. JUAN FRANCISCO VELARDE,
Chairman of the Committee on Railroads, etc.

Report of Messrs. Burrel and Valpy, M. M. Inst., C. E. of the Paraguay Central Railway, together with estimate of the probable traffic that will be carried when line is completed through out.†

This railway consists of three portions:

	Miles.
(1) From the port of Asuncion, the capital of Paraguay, to Paraguari, in operation	46
(2) From Paraguari to Villa Rica, in operation	46
(3) From Villa Rica to Villa Encarnacion, to be constructed	136
Total length of railway, about	228

The first section, from Asuncion to Paraguari, was originally made by the Government, and has been in operation many years. Although this portion of the railway has been worked under great disadvantages, especially as regards the inadequate supply of rolling-stock, its revenue has rapidly and continuously increased, as the returns below will show, taking 3*s.* as the average value of $1:

	Gross receipts.	Gross receipts per mile.
1883	£10,675	£237
1884	13,267	294
1885	13,964	310
1886	19,033	423
1887	24,103	536

* Translation. † Original.

The working expenses have been reduced from about 70 per cent. in 1884 (they are not obtainable for 1883) to about 60 per cent. in 1887; the net revenues have consequently more than doubled in this period.

It may confidently be expected that the results of the working of 1888, when known, will bear a favorable comparison with those of 1887, and as the new rolling-stock manufactured by Messrs. Krupp & Co. for the Government has recently been delivered in Asuncion, whilst in July, 1887, Congress voted the sum of $150,000 for improvements on this section, there can be no doubt that the future returns of this portion of the railway will *per se* greatly exceed those obtained in the past.

The second section, from Paraguari to Villa Rica, is already constructed and equipped with the above-mentioned rolling-stock; opened for traffic since January, 1890.

The first and second sections together form a length of about 92 miles, and will connect Villa Rica, the second largest town in the country, and the center of a very rich district, with Asuncion. We anticipate therefore a very considerable and more than proportionately increased traffic to accrue to the railway immediately on the opening of the second section, with a reduction in the rate of working expenses.

From the surveys we have made of the extension from Villa Rica to Villa Encarnacion, we find that the line will be of easy construction owing to the comparatively level ground through which the railway will pass.

The earth-work will be light, except near Villa Encarnacion, where somewhat heavier work will be encountered, and a careful and more detailed study of the ground will be required than we have yet had an opportunity of making in order to select the best line.

The rivers to be crossed are not rapid and are of little depth, and all the bridge-work can be constructed with native timber, which is of a very suitable character.

The gradients will be comparatively light and the curves easy on this section, as well as from Asuncion to Villa Rica, so that the working expenses of the railway may fairly be expected to be low.

The railway, when completed, will run through and open up some of the most fertile and populous portions of the country. It will terminate at the town of Villa Encarnacion, on the river Parana, opposite to the town of Posadas, the terminus of the Argentine Northeastern Railway, now under construction and, we understand, being pushed forward rapidly.

These railways, when completed, will form the future trunk line of the country, affording as they will do the shortest route to the seacoast, with important intermediate connections, firstly via Brazil to Rio Grande do Sul, secondly via Uruguay to Monte Video, and thirdly via the Argentine Confederation to Concordia, or if certain projected railways are constructed to Buenos Ayres itself.

The line from Villa Rica to Encarnacion, passing as it does through

a fertile country, will secure a considerable traffic, which will in addition largely increase the traffic on the line from Villa Rica to Asuncion The through, or international, traffic may also be expected to be large and to arise immediately on the completion of the railway.

On a moderate basis we estimate that when the railway is opened throughout the gross traffic will amount, on the average, to £1,000 per mile per annum, or a total of £228,000, and judging by comparison of other South American railways, a traffic of this amount should be worked at 50 per cent., giving a net revenue of £114,000 per annum.

A considerable proportion of the country through which the railway passes consists of forest lands, comprising timber of valuable description for house building, ship building, railway sleepers, etc., and it is expected that a large traffic will be derived from the carriage of timber from the ports at both ends of the line. The carriage of yerba maté and agricultural produce—*e. g.*, tobacco, grain, oranges, etc.—should also yield a substantial income, whilst large numbers of horses and cattle are constantly being brought from the province of Corrientes to Encarnacion, which should further add to the receipts.

THE RAILWAYS OF PERU.

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*REPORT OF F. C. C. ZEGARRA, DELEGATE FROM PERU.**

LEGATION OF PERU
IN THE UNITED STATES OF AMERICA,
Washington, January, 1890.

SIR: I have the honor to present to you the report solicited by the committee of which you are the worthy chairman.

Appended to said report you will find a map of the Republic and a printed volume.

I have the honor to be, your very obedient servant,

F. C. C. ZEGARRA.

Hon. JUAN FRANCISCO VELARDE,
Chairman of the Committee on Railroad Communication.

DATA FURNISHED BY THE PERUVIAN DELEGATION TO THE COMMITTEE ON RAILROAD COMMUNICATION.*

No. 1.—*Map of the Republic.*

The Delegation has the honor to inclose a map which bears no title, but which, it believes, was copied from a work entitled: "Geographical Atlas of Peru," by Dr. Don Mariano Felipe Paz-Soldan, and although it is to be hoped that in its draughting other previous maps have been consulted, the Delegation does not consider itself authorized to guarantee its scientific exactness. For this reason it deems it indispensable that other works should be consulted, and especially one entitled "El Perú," written by the naturalist Don Antonio Raymondi, which contains abundant and important data relative to explorations, configuration of the land, physical conditions, and other details necessary to obtain an idea of Peru.

The delegation regrets not having at hand the said work, which might possibly be found in one of the many public libraries of Washington.

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* Translation.

No. 2.—*Railroad lines constructed and in operation, lines in course of construction, and lines projected, and lines which connect the neighboring nations.*

The names of the lines, their length, and other details will be found in the accompanying collection of decrees and contracts. The lines actually in operation are the following:

	Kilometers.
Callao to Chicla	146
Callao to Lima and Chorrillos	27
Lima to Ancon	
Lima to Magdalena	6
Pisco to Yca	74
Chimbote to Huaraz	70
Payta to Piura and Catacaos	
Salaverry to Trujillo	7
Pacasmayo to Yonan and Guadalupe	146
Mollendo to Arequipa	173
Arequipa to Puno	370
Juliaca to Santa Rosa	193
Mineral del Cerro de Pasco	11

The projected lines consist principally of the prolongation towards the interior of the country of some of the existing lines already mentioned. No line exists connecting Peru with the neighboring nations, but an effort has been made to prolong the Puno line to Desaguadero in order to unite it with the railroad system projected in Bolivia.

No. 3.—*Cost of work done and projected.*

The cost of the work done will be found, for the most part, in the accompanying volume. No estimate has been made of the projected work, because the Government is not responsible for its payment, but the syndicate of foreign stockholders under the clause of the last contract concluded in Lima, and it has not been considered necessary to specify in detail the value of work not yet commenced.

No. 4.—*Annual returns, traffic, and prospects.*

The returns from the lines actually in operation have only been satisfactory in the case of those completed, such as Lima to Callao and Chorrillos, Lima to Chicla, and Mollendo to Puno. The others, in order to give any advantageous results, without doubt need to be extended to their natural termini. This attained the interior development of the country will make a great and rapid advance; the fountains of wealth existing in the Republic will be opened and what to-day remains inert for lack of cheap and regular outlet to the sea-coast will be developed. With this in view it is of the greatest interest for Peru to have railroad lines running either to the Atlantic or to the Pacific Ocean and it is evident that enterprises of this kind will be of incalculable utility.

No. 5.—*Facilities which the Government has offered for this class of work.*

It may be judged to what extent the Government of Peru is, on its part, inclined to facilitate the construction of railroad lines through its territory when the offers it has already made are borne in mind.

Not long since it invited proposals for the construction of a railroad from Limo to Pisco, offering the following perquisites:

(1) Exemption of customs duties, during twenty years, on the material, fixed and rolling stock destined for the plant of the line;

(2) Authority of the Government to adjudicate to the manager 25,000 hectares of vacant lands near the line, with the express condition that they shall be irrigated within five years;

(3) Exemption from military service in the army, during time of peace, for the employés and laborers on the railroad;

(4) Privilege of operating the road for twenty-five years; and

(5) The power to transfer the property of the line and its branches.

In the contracts concluded lately with the foreign bondholders, whilst the power to operate the railroads constructed is given them, there is imposed upon them the obligation to extend these, and there is ceded to them:

(1) All the disposable government lands necessary for the railroad lines, stations, depots, factories, and other dependencies without remuneration whatever.

(2) Exemption from government taxes during the period fixed for the construction and possession of the railroads; and during the period of the enjoyment of the benefits derived therefrom, exemption from taxes on locomotives, rolling stock, rails, sleepers, and anthracite coal.

(3) The right to navigate freely the interior lakes under the Peruvian flag.

THE RAILWAYS OF SALVADOR.

REPORT OF JACINTO CASTELLANOS. *

WASHINGTON, D. C., *January* 9, 1890.

MY DEAR SIR AND DISTINGUISHED COLLEAGUE:

Replying to your favor of the 7th instant, which I had not received until to-day, I am sorry to inform you that I lack the documents necessary to give you information with respect to the plans and computations which may have been presented in Salvador for newly projected railroads; and that the only data that is possible for me to give you touching their actual state and the possibility of connecting them with the lines of the neighboring Republics of Guatemala and Honduras is as follows:

A tramway 10½ miles in length unites the cities of San Salvador and Santa Tecla.

A steam railway connects the port of Acajutla with the city of Sonsonate, the distance being 21½ miles.

From that city the same line is extended to the interior of the Republic to a point called Amate Marin, over a distance of 80¾ miles.

Work is now progressing on the railroad from Amate Marin to the capital of the Republic, and once concluded, it will have an approximate extent of 25 miles.

There are two other lines of railways now projected, one to connect the rich city of Santa Ana with the port of Acajutla, joining it at the station of Armenia, between Sonsonate and San Salvador, and the other from the port of La Union to the city of San Miguel. For the building of the latter, a company is now being organized in London, and for the former there have been subscribed by the capitalists of the country about $300,000.

I do not consider the union of the Salvador railroads with those of Guatemala and Honduras to be difficult, if these two republics carry their roads to the frontier; for at any point thereon they could be joined to the existing roads.

It is in the latter lines, to my mind, that the principal difficulties exist, because of the great extent of their territories.

I am, sir, with every consideration, your very humble servant,

JACINTO CASTELLANOS.

Mr. JUAN F. VELARDE,

Delegate for Bolivia to the International American Conference.

* Translation.

THE RAILWAYS OF THE UNITED STATES.

*REPORT OF HENRY G. DAVIS AND ANDREW CARNEGIE, DELEGATES FROM THE UNITED STATES, TO THE COMMITTEE ON RAILWAY COMMUNICATION OF THE INTERNATIONAL AMERICAN CONFERENCE.**

WASHINGTON, D. C.,
March 24, 1890.

The attention of the people of the United States has been for years directed to the desirability of securing closer commercial relations with the states of Central and South America.

For want of regular, quick, and economical transportation between these countries, trade is carried on almost wholly by way of Europe; mail matter, passengers, and goods are compelled to cross the Atlantic twice before reaching their destination. Although united geographically, close commercial relations do not exist; neighbors though we are, yet for want of prompt and regular transportation facilities we are widely separated.

That the trade with these countries is extensive is shown by the table on page 74. Spanish America has an area of 8,500,000 square miles, with about 50,000,000 inhabitants; of this area a large part is undeveloped, although immensely rich in mineral and agricultural resources, and yet the present trade amounts to about $900,000,000 yearly, about equally divided between imports and exports; of this trade in 1889, $173,217,571, or one-fifth only, was with the United States, $122,014,137 being imports and $51,203,434 exports. In other words, we buy from the Spanish American countries more than twice as much as we sell them. This should not, and need not, be.

In 1887 Great Britain's trade with these countries amounted to about $176,208,000, of which $71,283,000 were imports and $104,925,000 exports, or, in other words, Great Britain sells almost twice as much as it buys from them.

The United States exported to Great Britain in 1889, $382,981,674, and imported from that country $178,269,067, less than one-half the exports. Why should our trade with Great Britain be so much in our favor, and that with Spanish-American countries the reverse, and Great Britain's trade with these countries be so much more favorable to it than our trade with them is to us?

We manufacture most of the articles used by them as cheaply as Great Britain, and many of these manufactured in the United States are shipped

* Original.

to Europe and then to Spanish America. Central and South America have raw material which we need, and it may be said that the resources of these countries are almost undeveloped. There is a great field which if opened up to us must be immensely valuable.

With quick and regular communication which Europe has enjoyed and we have not, she has more than successfully competed with us for the trade of these countries; but if rail communication were opened from the United States southward such would not be the case, as we should then have the advantage of connection by land which Europe could not obtain. This is proved by an examination of the effect of rail communication between the United States, Canada, and Mexico.

The opening of direct rail communication between the United States and the city of Mexico took place in April, 1884. From that day it began to be felt that all influences and all other modes of communication combined could not exert so powerful an effect in drawing these countries together and extending their trade. Special attention is called to the growth of traffic between the two republics since united by rail.

From tables, pages 77, it is seen that whereas the traffic carried in cars or other land vehicles amounted to $2,164,414 in the year 1883, it reached $13,955,764 in 1889, increasing sixfold in six years. Nor has this remarkable increase been made by diverting trade from other land routes or from water transportation lines, for the total imports and exports between the United States and Mexico (table 29, page 76) shows rapid and continuous development, the total of 1883 being $24,764,000, and that of 1889, $32,740,000.

The influence of rail communication upon trade between the United States and British North American possessions is not less marked.

In 1853 a railway was opened between Portland, Me. and Montreal. The year previous, 1852, shows imports into the United States from British North America, $5,469,000. These reached $43,000,000 in 1889. The exports from the United States in 1852 were only $13,993,000. In 1889 they reached $57,412,000. It is to the railroads we owe the revolution which has taken place in the trade of these British possessions.

In 1887 Canada exported to Great Britain $44,571,846 and imported $45,167,040, and in the same year exported to the United States $37,660,190 and imported $51,006,323, the total to and from Great Britain being $89,738,886, and the United States $88,666,513.

In 1889 this was reversed. The United States now ranks first; the proportion of Great Britain's trade to and from being 44.44 per cent. of the whole, that of the United States 47.20, so decided is the effect of frequent and rapid intercommunication by rail over the slower and irregular mode by water. It is a significant fact that almost all the trade between these countries is transported by rail. Not one regular line of steam-ships plies between the United States and Canadian ports. These exhibits prove that the experience of the United States with railways within her own border is being repeated with lines in Canada and

Mexico, and, no doubt, would be repeated upon international lines as these are constructed, and bind together the republics of America in their peaceful grasp.

THE UNITED STATES RAILWAY SYSTEM.

As far as the people of the United States are concerned, it unnecessary for us to dwell upon the importance of our railway system, for no words of ours can adequately describe their universal appreciation of the value of rapid railroad communication between all parts of the Republic. Not only are railways considered by them the first factor in our material development, but it is clearly seen that these alone have rendered development possible; nor is this their most valuable service to the nation; for, unbound by these ribs of steel, the question of the future of the union between the States might give rise to serious foreboding, bound together as they are into one vast neighborhood the people of the various States, by frequent change of residence, intermarriage, commercial relations, and constant communication, are fast becoming more and more of one national type, alike in thought, manner, and action.

It may be well, however, for the benefit of those among our neighboring republics who have not yet fully entered upon the construction of railways to give a short history of our railway policy and its results. For this purpose we have availed ourselves freely of the services of Messrs. Taylor and Brock, the respective heads of the Railway Bureau and of the Bureau of Statistics.

The United States possesses to-day nearly half the railway mileage of the world. At the close of the year 1889 there were 161,313 miles in operation, enough to make twelve steel girdles around the earth. Their cost has been fully *eight thousand millions of dollars.* Excepting agriculture, the railway interest is the largest single interest in the country. It employs as wage-earners not less than two millions of people; thus eight millions or more persons depend upon railways for their daily support. The development and prosperity of the country have been proportionate to the building of its railways. In the increase of population, business, and wealth, in the opening to settlement and commerce of new States and Territories, the railway has been the most potent factor. It touches every pursuit, whether of agriculture, manufactures, finance, commerce, or science. It is comparatively a short time since the settlement of the country bordering on the Mississippi River began. Prior to that, and before the era of railway building, settlements were few and small upon the shores of the lakes and the navigable rivers that then furnished means of transportation for the surplus products of the factory and farm.

As fast as railways were constructed the adjacent country was rapidly settled. Wherever a railway reached, supplying the necessary facilities of transportation, there hurried with eager steps labor and capital, seeking employment and investment. Forests were felled and

mines opened and contributed their wealth to the markets of the world. Vast prairies, inhabited only by Indians and wild beasts, where the yearly vegetation rotted upon the deepening soil, when traversed by railways quickly sprang into active agricultural and commercial life. The touch of the plowshare brought abundant harvests, and villages and cities sprang into existence.

To show the great importance of railways to the agricultural interests of the United States, Poor's Manual for 1889 says:

Over ordinary earth roads wheat will bear transportation for a distance of only 250 miles, when its value is $1.50 per bushel at the market. Indian corn will bear transportation only 125 miles, when its value is 75 cents per bushel. When grown at greater distances from market, these products, without railroads, have no commercial or exportable value. The railroads by transporting at one-twentieth the cost over earth roads give a marketable value to wheat grown 5,000 miles inland; to Indian corn grown 2,500 miles inland. Beyond a certain limit, consequently, these works are the sole inducement to the production of these staples in an amount greater than that necessary for consumption by the producer. Railroads are as much the condition of their production as the ship is for the production of wool in Australia. The effect of cheap production is well illustrated in the extraordinary increase in the production of wheat and corn in the Western States and the corresponding impulse given to the construction of railroads, the increased mileage of which has only kept pace with that of other industries.

It is not, however, as potent agencies, foremost in stimulating the settlement and development of the resources of the country, that railways perform their highest function, but, as has been before stated, they cement and tend to preserve the unity of the extended region over which the Republic holds sway. The building of the first Pacific railway was equally a military and a commercial necessity. Previous to the opening of rail communication, the Pacific coast had little in common with the Union. No sooner had the iron bands joined the agricultural regions of the Mississippi Valley and the manufacturing States of the East with it, than close business, social, and political relations sprang up between the two sections and bound them closely together. The intimate social, political, and commercial relations which now so happily exist between all parts of our united country could never have been created without rail communication.

The progress made in railway building in this country has been due largely to the liberality shown by local communities, the several States and the General Government toward railway enterprise. The Government has been prodigal in the bestowal of munificent grants of the public domain to aid the construction of railways, and in this regard has been wisely emulated by many of the States, which have given large tracts of their public lands to encourage the building of railways within their limits. In addition to large and numerous subsidies given by the General Government and the States to railway companies many counties, towns, villages, and cities have voted sums in aid of railway construction. Communities that had no railway have eagerly pledged their credit to secure one, and those that have had one or more have often made liberal donations to secure competing lines.

There is no room to doubt that this policy was wise. The value of every acre of land and every dollar in money contributed towardthe construction of railways has been repaid tenfold to the public in the added stimulus to business and increased value to property produced by cheaper transportation. Especially has this been true as regards the States and Territories of the West. There lay a region embracing more than half the area of the United States rich in natural resources, yet inaccessible, and heretofore practically valueless. Railways alone could have made this latent wealth productive. So with our mineral wealth. Had not railways stimulated by public aid been constructed through the mineral regions of the country our mines must have remained unopened.

Railway construction once begun in a country can stop only when all sections are supplied, for such are the advantages of railways to the sections that construct them that all other sections must necessarily follow or become almost valueless. For this reason we find every part of our country either already supplied with railways or rapidly becoming so.

Railway management is constantly growing more broad, conservative, and liberal; excessive rates and unwarranted discrimination are being corrected by competition and forbidden by law. Rates by rail are now not infrequently as low as by water, a condition of things which, a few years ago, was not thought possible. Reference to the following tables will show the great reductions in rates by rail which have taken place in recent years. It is believed that the minimum charges have not yet been reached.

FREIGHT RATES.

Annual average freight rates per bushel of wheat for transportation from Chicago to New York for each year from 1857 *to* 1888, *inclusive.*

Calendar year.	Average rates per bushel.		By all rail.	Calendar year.	Average rates per bushel.		By all rail.
	By lake and canal.*	By lake and rail.			By lake and canal.*	By lake and rail.	
	Cents.	*Cents.*	*Cents.*		*Cents.*	*Cents.*	*Cents.*
1857	25.29	.....	.....	1874	14.10	16.9	22.7
1858	16.28	.....	.....	1875	11.43	14.6	24.1
1859	17.59	.....	.....	1876	9.58	11.8	16.5
1860	24.83	.....	.....	1877	11.24	15.8	20.3
1861	26.55	.....	.....	1878	9.15	11.4	17.7
1862	26.33	.....	.....	1879	11.60	13.3	17.3
1863	22.91	.....	.....	1880	12.27	15.7	19.9
1864	28.36	.....	.....	1881	8.19	10.4	14.4
1865	26.62	.....	.....	1882	7.89	10.9	14.6
1866	29.61	.....	.....	1883	8.37	11.5	16.5
1867	22.36	.....	.....	1884	6.31	9.95	13.125
1868	22.79	22.0	42.6	1885	5.87	9.02	14.00
1869	25.12	25.0	35.1	1886	8.71	12.00	16.50
1870	17.10	22.0	33.3	1887	8.51	12.00	†16.33
1871	20.24	25.0	31.0	1888	5.93	11.00	†14.50
1872	24.47	28.0	33.5	1889	6.89	‡8.70	15.00
1873	19.19	26.9	33.2				

* Including canal tolls until 1882, but not Buffalo transfer charges.

† Averages of officially published tariffs. The actual cost of transportation was somewhat less, as rates were unsettled during a considerable portion of each year, and grain was frequently taken at less than tariff rates.

‡ Average of officially published tariffs

Annual average freight rates on grain and flour from St. Louis to various points during each year from 1876 to 1888, inclusive.

[Prepared by Mr. George H. Morgan, secretary Merchants' Exchange, St. Louis, Mo.]

Calendar year.	To New Orleans by river.		To New York by rail.		To Liverpool.	
	Grain in sacks, per 100 pounds.	Wheat in bulk by barges, per bushel.	Grain per 100 pounds.	Flour per barrel.	Via New Orleans, wheat per bushel.	Via New York, wheat per bushel.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1876	.....	.....	39½	79	.....	.....
1877	21	8½	41	82	.....	.....
1878	17½	7¼	38	76	.....	.....
1879	19	7¾	32½	67	.....	.....
1880	19	8¼	42	84	.....	.....
1881	20	6	32	64	.....	.....
1882	20	6 4/17	29½	59	22¾	23¾
1883	17¾	5½	33	66	19 7/17	27
1884	14	6⅛	26	52	14 7/17	21¼
1885	15	6¼	22½	44¾	15½	20½
1886	16	6½	29	58	16½	24
1887	18	6½	32½	64¼	14¼	24¼
1888	15	6½	*29½	59	15½	22⅛
1889	17 44/100	5 18/25	†28½	58	17½	24 97/100

* These figures 29½ represent published rates. At times during the year the rate was cut to 20 cents, making the average rate on that basis, St. Louis to Liverpool via New York, as low as 17½ cents per bushel.

† On all grain, except corn, on which the rate was 26 cents.

NOTE 1.—In the normal condition of freight rates, the rate to Boston would be 5 cents per 100 pounds higher than to New York, to Philadelphia 2 cents per 100 pounds lower than to New York, and to Baltimore 3 cents per 100 pounds lower than to New York; but sometimes rates by these cities are independent of local rail rates.

NOTE 2.—The rate on flour is always double the rate on grain per 100 pounds.

GRANTS TO RAILWAYS.

On March 2, 1827, Congress granted to the State of Illinois lands to aid in the construction of a canal "to connect the waters of Illinois and Lake Michigan." Six years later, in 1833, Congress authorized the above grant to be diverted, and a railway constructed with the proceeds of said lands. This was the first land grant ever made by the Government to aid in the construction of a railway.

The first important land-grand act passed was that of September 20, 1850: "An act granting the right of way and making a grant of land to the States of Illinois, Mississippi and Alabama, in aid of the construction of a railroad from Chicago to Mobile." This grant gave alternate sections of land (even numbered) for six sections in width on either side of the road and branches, making six sections, or 3,840 acres for every mile of road. In the case of this grant, as in the case of all those made subsequently, the law provided that the land within the limits of the grant not given to the railroad company, that is, every other section, should be doubled in price from $1.25 to $2.50 per acre. In this way, the Government received as much from the lands remaining within the limits of the grant, as it would have received from all the

lands had no grant been made. The building of railroads rendered the lands salable; whereas in most cases, if no railroads had been constructed, the lands would never have found purchasers, as they were of no value where facilities for the transportation of their product to market were not provided.

Under an act passed June 10, 1852, entitled "An act granting the right of way to the State of Missouri, and a portion of the public lands to aid in the construction of certain railroads in that State," the Hannibal and St. Joseph and the Missouri Pacific Railroads were built.

June 29, 1854, a grant was made to the Territory of Minnesota for the purpose of aiding the construction of a railroad from the southern line to the eastern line. In 1856 a series of grants was made to Iowa and other States, to be used only to aid in the construction of railroads, which were in form and substance similar to the Missouri grant of June 10, 1852.

From 1850 to 1860 a strong sentiment arose favorable to the construction of a railroad to the Pacific coast. Congress, on July 1, 1862, enacted a law entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes." This was the charter of the Union Pacific Railroad Company, which conferred certain privileges and made grants to several other railroad companies then existing under State charters. It empowered the Union Pacific Railroad Company "to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances, from a point on the one hundredth meridian of longitude west from Greenwich * * * to the western boundary of Nevada Territory," subject to the terms of the act.

At the western boundary of Nevada it was to meet and connect with the line of the Central Pacific Railroad of California, a corporation then existing under the laws of that State which, by this act, was authorized to construct a railroad and telegraph line from the Pacific coast at or near San Francisco or the navigable waters of the Sacramento River to the eastern boundary of the State of California, upon the same terms and conditions in all respects as were provided for the Union Pacific Railroad Company, and it was further provided that the Central Pacific Railroad Company of California, after completing its line to the eastern boundary of California, should continue constructing eastward until it should meet and connect with the Union Pacific, and the whole line of railroad from the Missouri River to the Pacific Ocean was completed.

Right of way was granted through the public lands to the extent of 200 feet in width on each side of the track, and a grant of land amounting to five (increased to ten by the act of 1864) alternate sections per mile on each side of the road. In addition to the lands granted to aid in the construction of the Pacific roads mentioned, the act also provided for a Government subsidy of bonds equal to $16,000 per mile for that por-

tion of the line between the Missouri River and the base of the Rocky Mountains; $48,000 per mile for a distance of 150 miles through the mountain range; $32,000 per mile for the distance intermediate between the Rocky and Sierra Nevada ranges, and $48,000 per mile for a distance of 150 miles through the latter range of mountains.

These bonds were in the nature of a loan of credit by the United States, and were at first made a first-mortgage lien on the whole line of railroad and telegraph and all its appurtenances, but by section 10 of the act of 1864 they were made a second mortgage or subordinate lien to bonds of the same tenor and amount which the respective companies were authorized to issue.

The United States issued bonds to the amount of $27,236,512, and gave 13,384,089 acres of land to the Union Pacific Railroad Company. It also issued bonds to the amount of $6,300,000, and gave lands amounting to 8,174,000 acres to the Kansas Pacific Railway Company. The Denver Pacific Railway and Telegraph Company also received 1,355,292 acres of land. On January 20, 1880, these roads were consolidated and formed the Union Pacific Railway Company. It will be seen, therefore, that the Union Pacific Railway Company has been loaned by the Government, in bonds, $33,536,512, and been given in lands, 22,913,381 acres. The Central Pacific Railroad Company of California received in bonds $5,885,120, and was granted 9,440,000 acres of land. The Western Pacific Railroad Company received bonds to the amount of $1,970,560 and its land grant amounted to 1,576,448 acres. June 23, 1870, the Central Pacific Railroad Company of California and the Western Pacific Railroad Company were consolidated under the name of the Central Pacific Railroad Company; this company has, therefore, been loaned in bonds, $27,885,680, and has been granted lands to the extent of 11,016,448 acres.

Previous to these grants the Government expended $440,000 in making preliminary surveys to determine the feasibility of building a line to the Pacific.

In addition to the Government aid rendered to the railroads mentioned, large grants of land have been bestowed upon other companies for the building of transcontinental and other railroads.

The lands given by Congress to aid railway construction aggregated 197,700,000 acres. Some of these grants have been forfeited and others reduced in various ways, but most of the lands have gone into the possession of the various companies. It is safe to say that these lands, after the building of the railways to which they were given had been completed, were worth, at a low estimate, from $3 to $5 per acre. In many cases where grants of timber lands were made, including tracts of pine, the value of the lands was greatly in excess of the figures given. Taking these figures as a safe basis, they show that Congress has donated for railroad purposes lands worth from $500,000,000 to $800,000,000.

Vast as is this sum, the statistics of the increase in the population, business, and wealth of the States and Territories in which these land-grant roads have been built prove that its bestowal was wise.

The policy pursued by the people toward railway development has always been of the most generous and helpful character. It is specially gratifying that vast as have been the grants and concessions by the National Government, States, and communities, yet the returns made by the railways to the national unity, growth, and well-being, have far exceeded the expectations of the most sanguine, and that the Government will not be called upon to lose one dollar of any of its pecuniary advances or upon any of its guaranties, all the assisted lines being amply able to meet such obligations from their own revenues.

RAILWAY CONSTRUCTION.

Sixty years ago there were but 23 miles of railroad in the United States. In the next thirty years about 30,000 miles were built. In the last thirty years over 130,000 miles have been built. The figures which we give below as to the railroad-building, as well as to the growth of the States named in population, products, and wealth, date from 1860, a period of thirty years. The first few years following 1860, it must be remembered, were the years of the civil war, when progress in railway-building, as well as in many other public and private enterprises, was greatly retarded or entirely suspended.

Railway mileage of the United States.

Year.	Built during the year.	Total operated at end of year.	Year.	Built during the year.	Total operated at end of year.
	Miles.	*Miles.*		*Miles.*	*Miles.*
1860	1,846	30,635	1885	2,930	128,309
1865	1,177	35,085	1886	8,100	136,419
1870	6,070	52,914	1887	12,872	149,281
1875	1,711	74,096	1888	7,001	156,082
1880	6,712	93,296	1889	5,231	161,313

To prove that the aid rendered railways was wisely bestowed, it is only necessary to consider the increase in population and wealth directly attributable to their construction. It must be borne in mind that most of the railways receiving public assistance could not have been constructed at all, or that their construction would at least have been long delayed, unless thus fostered. Many of these roads were constructed before the business of the sections they traverse appeared to require them.

The policy was to build through sparsely populated or altogether unsettled regions in the belief that railways would induce settlement and create business. This has proved to be the case. Settlements have rapidly followed the building of every railway. No matter how wild and unproductive the country through which it passed, sooner or later it developed remunerative traffic for itself.

The figures emphasize the facts more strongly than anything that can be said relating to the wonderful growth which has followed railway facilities. We have selected a few of the States and given figures showing the number of miles of railway built, and their increase in population, products, manufactures, and wealth since 1860. (See page 78.)

The reader will search the history of the world in vain for such a record of growth as these figures show, and which the railway system alone has rendered possible.

SUMMARY.

The following summary shows the mileage of road, equipment, stock, bonds, and other liabilities; also earnings and traffic statistics of all the railways in the United States for the year 1888:

	Miles.
Mileage of railways, 1888	156,082
Double track, sidings, etc	37,225
Total track	193,307
Locomotives	29,398
Cars:	
Passenger	21,425
Baggage, mail, etc	6,827
Freight	1,005,116
Capital stock	$4,438,411,342
Bonded debt	$4,624,035,023
Other liabilities	$544,040,944
Passengers carried	451,353,655
Tons of freight moved	589,398,317
Earnings:	
Passenger	$251,356,167
Freight	639,200,723
Miscellaneous	60,065,118
Total earnings	950,622,008

RAIL COMMUNICATION BETWEEN THE THREE AMERICAS.

Examination of the subject of continuous rail communication between South and Central America, Mexico, and the United States is most encouraging. Judged by what has already been accomplished, the task can not be deemed stupendous. In opening railways between the Atlantic and Pacific Oceans, the United States, Canada, and other countries have performed works of equal or greater magnitude than will probably be required to establish unbroken railway communication with all the Republics south of us.

The building of the Baltimore and Ohio and the Pennsylvania Railways over the Allegheny Mountains were greater undertakings than that of an intercontinental railway would be now.

The most difficult portions of a railway to South America will not exceed those of the Mexican Railway from Vera Cruz to the City of Mexico, or those of the Panama Railway across the Isthmus.

Much has already been accomplished in the different Spanish-American countries in building parts of the proposed through line, which, when combined, will reduce the entire work and distance almost one-half; so that not only can continuous railway communication with those countries be considered feasible, but also that it is on a fair way to be realized. The situation at present stands thus:

The railways of the United States, from all points east and west, connect with the railways of Mexico upon the border of the two countries at El Paso, 2,456 miles from New York, 1,286 miles from San Francisco, and 1,642 miles from Chicago; at Eagle Pass, 2,083 miles from New York, 1,819 from San Francisco, and 1,380 miles from Chicago; and at Laredo, 2,187 miles from New York and 1,316 miles from Chicago. Hence to the City of Mexico there are two rail routes: that from El Paso via the Mexican Central, 1,224 miles; that from Laredo via the Mexican National, 839 miles, making the distance from New York via El Paso 3,680 miles, from San Francisco 2,510 miles, and from New York via Laredo 3,026 miles. A line is in operation 183 miles south of the City of Mexico, and a concession has been granted for its extension 585 miles to the borders of Guatemala. Surveys are being made along the route, and it is believed that the construction will be completed at no distant day. We are informed that a survey is also being made for the connection of the Mexican line with the city of Guatemala, which will carry the line 120 miles further south, and leave only 60 miles to reach the northern border of Salvador. In Salvador a line has been projected through that state about 170 miles. To carry the line through Honduras in order to reach the nearest point of the Nicaraguan railway system is only about 90 miles, and this system, consisting of two sections of 58 miles and 32 miles in length, can be incorporated into the through line by uniting these two sections by a new line of about 35 miles. Through Honduras, Nicaragua, and Costa Rica the country is reported of a character very favorable to railway construction.

From the southern terminus of the Nicaraguan system to the boundary of Costa Rica and through Costa Rica to its railway, of which about 35 miles may be used in the through line, is about 210 miles. We are informed that a syndicate has acquired a concession and will build a line to connect with the railway already constructed. About 75 miles of this may be utilized, thus lessening by so much the distance to be constructed by the through line.

From the southern terminus of the Costa Rica Railway, the Atlantic coast may be followed to the northern border of South America, a distance of about 130 miles.

Thus to carry communication through Central America from the city of Mexico requires about 1,700 miles of railway, of which 295 miles are already constructed and in operation, about 780 miles are being constructed and surveyed, leaving 625 miles still to be located.

In the extreme south the railways of the Argentine Republic connect

with those of Chili, Uruguay, and Brazil, and extend northward to within 120 miles of the Bolivian frontier and are rapidly being pushed further. Concessions have been granted for the continuation of these lines, or rather for the building of a line to connect with them, and with the railways of Bolivia and Peru, which when completed will afford communication as far north as Cuzco in Peru, about 2,190 miles from Buenos Ayres.

Beyond this, northward to the boundary of Central America, little has been done toward an intercontinental line. Should it be located along the Central Plateau in the heart of the Andes, then a line which has been projected north and south 151 miles in Ecuador might be used, in addition to about 30 miles to be built in Peru near Cerro de Pasco. A French syndicate is also endeavoring to secure a concession in Colombia to build a line from Bogotá to Cartagena, and are said to have the capital to construct it; but it may be said that nothing has really been done, and especially so if the intercontinental line should be located on the eastern slopes of the Andes, through that rich but almost unknown country of the headwaters of the Amazon. From Cuzco in Peru to the railways of Costa Rica, about 2,300 miles, is found the one long link which the intercontinental line will be called upon to construct.

From the southern terminus of the railroads now in operation in Mexico to the northern terminus of the Argentine system is estimated at 4,900 miles. In this distance 230 miles are now in operation which may be utilized in the through line; of the remaining distance, about 1,800 miles are already under survey and construction, which when completed will leave about 2,890 miles to be located and constructed, in order to complete the line that will eventually unite the republics of the Western Hemisphere.

The distance between New York and San Francisco by the shortest rail route is 3,207 miles.

From every point of view, it seems clear to us that immediate steps should be taken to ascertain whether the acquisition of advantages of such transcendant importance as direct and unbroken rail transportation would give to all the republics of this continent, are really within our reach by any reasonable expenditure, or by the granting of reasonable concessions to capitalists who would undertake the construction and operation of the necessary railway, and give satisfactory security for the fulfillment of their engagement.

We strongly recommend to the International Conference that provision should be made for the appointment of an International Commission of Engineers, to make the necessary surveys and report upon the entire subject at the earliest possible date. We are of opinion that our Government will co-operate with the other republics in this matter, for its policy in the past has shown it to be most liberal in aiding, by grants of land and of money, all enterprises for the improvement of means of communication, nor has this policy been confined to enter-

prises entirely in our own territory, for the problem of interoceanic communication across the Isthmus of Panama, and through Central America, has received attention and obtained aid as early as 1834.

When the recommendations of this proposed commission are submitted to the various governments, they can then confer as to the best means of securing the union of the three Americas by unbroken and direct rail communications.

We must believe that a work which would confer such manifold advantages to all the countries interested, would so strongly commend itself as to induce them promptly to give it such encouragement and to take such measures as will lead to its early completion.

Area, population, exports, imports, and miles of railway in the Spanish-American countries and the United States.

Countries.	Area (sq. miles).	Population.		Exports.		
		Year.	Number.	Year.	Total.	To the United States in 1889.
Argentine Republic	1,125,086	1887	3,894,955	1887	$113,244,801	$5,454,618
Bolivia	772,548	1882	1,182,279	1885	9,745,000	2,136
Brazil	3,119,764	1888	14,002,335	1887	143,903,651	60,403,804
Chili	293,970	1885	2,527,320	1887	57,194,709	2,622,625
Colombia	504,773	1881	3,878,600	1887	10,037,295	4,263,519
Costa Rica	23,000	1883	203,780	1887	4,667,422	1,442,365
Ecuador	248,370	1885	1,004,651	1887	7,356,868	695,005
Guatemala	41,830	1888	1,427,116	1887	7,044,498	2,346,685
Honduras	47,090	1887	351,700	1887	1,296,000	1,215,561
Mexico	751,479	1882	10,447,984	1888	38,619,867	21,253,601
Nicaragua	49,500	1883	275,815	1886	1,770,413	1,747,246
Paraguay	142,916	1886	263,751	1886	1,535,272	None.
Peru	463,747	1876	2,621,844	1884	5,785,920	314,032
Salvador	7,225	1888	664,513	1887	5,101,143	1,662,162
Uruguay	72,175	1887	651,112	1887	27,373,172	2,986,964
Venezuela	394,374	1886	2,198,320	1886	15,884,728	10,392,569
United States	3,581,000	.....	.....	1889	742,401,375	.....
Central America (includes British Honduras)	175,045	.....	2,950,376	.....	20,902,102	8,625,484
South America (includes Guiana and the Falkland Islands)	7,546,158	.....	32,583,757	.....	373,713,387	92,135,052
Total of Mexico, Central and South America	8,492,682	.....	45,982,116	.....	433,235,356	122,014,137

Countries.	Imports.			Miles of railway, 1889.
	Year.	Total.	From the United States in 1889.	
Argentine Republic	1887	$81,467,056	$9,293,856	4,032.5
Bolivia	1885	6,820,000	6,838	106.2
Brazil	1887	114,335,667	9,531,981	5,260.5
Chili	1887	52,667,831	2,927,794	1,759.9
Colombia	1887	6,339,379	3,821,017	226
Costa Rica	1887	4,200,919	983,164	110.5
Ecuador	1887	8,333,254	756,211	40
Guatemala	1887	5,312,160	994,701	103.05
Honduras	1887	1,215,000	637,175	69
Mexico	1888	43,380,000	11,486,896	5,021.66
Nicaragua	1886	1,062,040	1,009,687	90
Paraguay	1886	1,399,777	None.	92
Peru	1884	8,044,069	780,835	1,037.01
Salvador	1887	3,186,798	701,196	32
Uruguay	1887	29,950,402	2,192,848	400
Venezuela	1886	12,053,502	3,738,961	196
United States	1889	745,131,552	.....	.....
Central America (includes British Honduras)	.....	15,800,285	4,695,521	372.05
South America (includes Guiana and the Falkland Isl'ds)	.....	364,838,005	35,021,017	13,170.02
Total of Mexico, Central and South America	.....	424,018,290	51,208,434	18,563.91

I.—*Total values of merchandise imported into the United States from the British North American Possessions and of merchandise imported from the United States into and entered for consumption in the British North American Possessions during each year from 1850 to 1889, inclusive* (see Note 5).

Years.	Imports into the United States from the British North American Possession.	Imports into the British North American Possessions from the United States.	Excess of imports into the United States.	Excess of imports into the British North American Possessions.
18[illegible]	$5,179,500	$11,608,641		$6,429,141
18[illegible]	5,279,718	14,263,751		8,984,033
18[illegible]	5,469,445	13,993,570		8,524,125
18[illegible]	6,527,559	19,445,478		12,917,919
18[illegible]	8,784,412	26,115,132		17,330,720
18[illegible]	15,118,289	34,362,188		19,243,899
18[illegible]	21,276,614	35,764,980		14,488,366
18[illegible]	22,108,916	27,788,238		5,679,322
18[illegible]	15,784,836	22,210,837		6,426,001
18[illegible]	19,287,565	26,761,618		7,474,053
18[illegible]	23,572,796	25,871,399		2,298,603
18[illegible]	22,724,489	28,520,735		5,796,246
18[illegible]	18,515,685	30,373,212		11,857,527
18[illegible]	17,191,217	29,680,955		12,489,738
[illegible]	29,608,736	7,952,401		
[illegible]	33,264,403	27,269,158	$5,995,245	
[illegible]	48,528,628	27,905,984	20,622,644	
[illegible]	25,044,005	25,239,459		195,454
[illegible]	26,261,378	22,644,235	3,617,143	
[illegible]	29,293,766	21,680,062	7,613,704	
[illegible]	36,265,328	21,869,447	14,395,881	
[illegible]	32,542,137	27,185,586	5,356,551	
[illegible]	36,346,930	33,741,995	2,604,935	
[illegible]	37,649,532	47,223,171		9,573,639
[illegible]	34,365,961	53,430,424		19,064,463
[illegible]	28,270,926	50,319,993		22,049,067
[illegible]	29,010,251	45,502,201		16,491,950
[illegible]	24,277,378	53,524,029		29,246,651
[illegible]	25,357,802	50,324,123		24,966,321
[illegible]	26,133,554	45,196,601		19,063,047
[illegible]	33,214,340	41,926,563		8,712,223
[illegible]	38,041,947	50,955,925		12,913,978
[illegible]	51,113,475	55,270,580		4,157,105
[illegible]	44,740,876	65,018,933		20,278,057
[illegible]	39,615,840	59,845,968		20,830,128
[illegible]	36,960,541	53,397,608		16,437,067
[illegible]	37,496,338	49,772,232		12,276,894
[illegible]	38,015,584	51,937,050		13,921,466
[illegible]	43,064,123	54,706,161		11,622,038
[illegible]	43,009,473	57,412,887		14,403,414

NOTES.

1 All of the above data are given for years ending June 30, except that the imports into the British [illegible]ssions from 1850 to 1863 are for calendar years, and those for 1864 are for the six months ending [illegible] 30.

2 The imports into the British Possessions from 1850 to 1867 comprise the imports into the provinces [illegible]ebec and Ontario, as taken from the Canadian accounts, plus the exports to the other provinces [illegible]e present Dominion, as taken from the United States accounts; the imports into the British Pos[illegible]ns for the remaining years are taken exclusively from the Canadian accounts, with the following [illegible]ions from the United States accounts, viz: 1868, exports to British Columbia, $1,178,813; 1869, [illegible]rts from Minnesota, $182,682; 1870, exports from Minnesota, $172,210; 1873 to 1889, exports from [illegible] United States to Newfoundland and Labrador. The accounts of these exports, which were exclu[illegible]ly by water, are reliable.

3 The imports into the United States for 1864 and from 1868 to 1887 include the imports from all [illegible]ish North American Possessions.

4 For the gradual formation of the present Dominion of Canada, see Statement No. 4.

5 The imports into the British North American Possessions from 1850 to 1875 inclusive are the im[illegible] entered for consumption, and those from 1876 to 1889 inclusive are the general imports of mer[illegible]dise.

[illegible]ailway communication, Atlantic and St. Lawrence and Grand Trunk Railroad, established be[illegible] the United States and Canada (between Montreal and Portland, Me.) in 1853.

II.—*Imports and exports of merchandise into and from the United States from and to, Central America, the West Indies, and South America during the years* 182 1840, 1850, 1860, *and from* 1866 *to* 1889 *inclusive.*

TRADE WITH MEXICO.

Years ending—	Export to			Imports from.	Total and
	Domestic. a	Foreign.	Total.		
September 30—					
1821	(b)	(b)	(b)	(b)	
1830	$985, 764	$3, 851, 694	$4. 837, 458	$531, 525	$5
1840	969, 938	1, 545, 403	2, 515, 341	716, 109	3
June 30—					
1850	1, 498, 791	514, 036	2, 012, 827	575, 200	2
1860	3, 309, 379	2, 015, 334	5, 324. 713	1, 903, 431	7
1866	3, 701, 599	871, 619	4, 573, 218	1, 726, 092	6
1867	4, 823, 614	572, 182	5, 395, 796	1, 071, 936	6
1868	5, 048, 420	1, 392, 919	6, 441, 339	1, 590, 667	8
1869	3, 835, 699	1, 047, 408	4, 883, 107	2, 336, 164	7
1870	4, 544, 745	1, 314, 955	5, 859, 700	2, 715, 665	8
1871	5, 044, 033	2, 568, 080	7, 612, 113	3, 209, 688	10
1872	3, 420, 658	2, 122, 931	5, 543, 589	4, 002, 920	9
1873	3, 941, 019	2, 323, 882	6, 264, 901	4, 276, 105	10
1874	4, 016, 148	1, 930, 691	5, 946, 839	4, 346, 364	10
1875	3, 872, 004	1, 865, 278	5, 737, 282	5, 174, 594	10
1876	4, 700, 978	1, 499, 594	6, 200, 572	5, 150, 572	11
1877	4, 503, 802	1, 389, 692	5, 893, 494	5. 204, 264	11
1878	5, 811, 429	1, 649, 275	7, 460, 704	5, 251, 502	12
1879	5, 400, 380	1, 351, 864	6, 752, 244	5, 493, 321	12
1880	6, 065, 974	1, 800, 519	7, 866, 493	7, 209, 593	15
1881	9, 198, 077	1, 973, 161	11, 171, 238	8, 317, 802	19
1882	13, 324, 505	2, 158, 077	15, 482, 582	8, 461, 899	23
1883	14, 370, 992	2, 216, 628	16, 587, 620	8, 177, 123	24
1884	11, 089, 603	1, 614, 689	12, 704, 292	9, 016, 486	21
1885	7, 370, 599	970, 185	8, 340, 784	9, 267, 021	17
1886	6, 856, 077	881, 546	7, 737, 623	10, 687, 972	18
1887	7, 267, 129	692, 428	7, 959, 557	14, 719, 840	22
1888	9, 242, 188	655, 584	9, 897, 772	17, 329, 889	27
1889	10, 886, 288	600, 608	11, 486, 896	21, 253, 601	32

a In the absence of law providing for the collection of statistics of exports to adjacent forei tory over railways, the values of exports to Mexico since 1883 have been considerably unde According to the official information from Mexican sources the value of imports into that rom the United States during the year ending June 30, 1888, was $19,264,673, including precion valued at $38,362.

Railway connection established between the United States and Mexico April 10, 1884. (S III.)

b Not an independent country in 1821.

III.—*Values of merchandise and of gold and silver coin and bullion imported into ported from the United States from and to Mexico during each year ending June* 3 1880 *to* 1889 *inclusive, and exhibiting the values of imports and exports by land sep by customs districts, and the total values of the imports and exports by water.*

MERCHANDISE.

Years ending June 30—	Carried in cars and other land vehicles.					
	Corpus Christi.		Paso del Norte.		Saluria.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Ex
1880	$453, 876	$643, 294	$196, 804	.....	$93, 989	
1881	495, 816	664, 180	216, 566	.....	106, 878	
1882	345, 374	2, 049, 696	154, 973	$192, 379	131, 849	
1883	658, 194	1, 983, 264	325, 950	1, 162, 861	100, 084	
1884	490, 290	1, 626, 377	797, 967	962, 453	161, 617	
1885	756, 975	1, 154, 233	1, 058, 960	332, 935	232, 277	
1886	953, 184	1, 011, 196	1, 837, 396	51, 940	417, 168	
1887	905, 627	1, 050, 970	3, 531, 664	40, 909	210, 210	
1888	750, 258	1, 704, 086	4, 141, 534	33, 242	489, 297	1
1889	1, 510, 479	2, 119, 386	6, 115, 051	30, 551	1, 175, 832	1

III.— Value of merchandise and of gold and silver coin and bullion, etc.—Continued.

MERCHANDISE—Continued.

Years ending June 30—	Carried in cars and other land vehicles.					
	San Diego.		Other ports.		Total.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
1880	$34,559	$14,488	.....	$35,847	$779,228	$1,033,977
1881	52,269	46,441	.....	77,807	871,529	964,419
1882	49,294	42,933	.....	4,780	681,490	2,434,979
1883	55,762	101,402	$119,363	219,317	1,259,353	4,317,023
1884	122,962	70,813	12,759	44,354	1,585,595	3,595,797
1885	61,912	62,241	566,240	59,531	2,676,364	1,981,171
1886	88,320	68,990	327,471	409,559	3,623,539	1,687,217
1887	83,950	89,337	271,270	98,498	5,009,721	2,042,283
1888	135,484	114,353	313,239	74,403	5,829,812	2,947,672
1889	164,611	192,928	375,584	79,909	8,341,557	3,894,852

Years ending June 30—	Carried in vessels.		* Total.		Total imports and exports.
	Imports.	Exports.	Imports.	Exports. a	
1880	$6,430,365	$6,832,516	$7,209,593	$7,866,493	$15,076,086
1881	7,446,273	10,206,819	8,317,802	.....	19,489,040
1882	7,780,409	13,047,603	8,461,899	15,482,582	23,944,481
1883	6,917,770	12,270,597	8,177,123	16,587,620	24,764,743
1884	7,430,891	9,108,495	9,016,486	12,704,292	21,720,778
1885	6,590,657	6,359,613	9,267,021	8,340,784	17,607,805
1886	7,064,433	6,050,406	10,687,972	7,737,623	18,425,595
1887	9,717,119	5,917,274	14,719,840	7,959,557	22,679,397
1888	11,500,077	6,950,100	17,329,889	9,897,772	27,227,661
1889	12,912,044	7,592,044	21,253,601	11,486,896	32,740,497

a See note to Table II.

COIN AND BULLION.

Years ending June 30—	Carried in cars and other land vehicles.					
	Corpus Christi.		Paso del Norte.		Saluria.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
1880	$130,167	.....	$487,078	.....	$5,461	.....
1881	169,435	.....	425,097	.....	12,027	.....
1882	323,091	.....	313,753	.....	8,988	$8,762
1883	1,036,996	$22,950	1,076,686	.....	823	20,478
1884	1,350,835	875	2,946,736	.....	38,348	112,248
1885	781,103	37,818	9,418,959	.....	5,956	.....
1886	725,863	90,979	12,585,015	.....	9,136	.....
1887	698,904	28,767	10,598,215	.....	22,373	163,200
1888	491,866	32,687	10,225,041	.....	21,548	242,146
1889	513,927	10,318	13,103,596	.....	338,241	51,565

Years ending June 30—	Carried in cars and other land vehicles.					
	San Diego.		Other ports.		* Total.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
1880	.....	.....	.....	.....	$622,706	.....
1881	.....	.....	.....	.....	606,559	.....
1882	.....	.....	.....	.....	645,832	$8,762
1883	.....	.....	$17,990	.....	2,162,414	48,428
1884	.....	.....	.....	.....	4,335,919	113,123
1885	.....	.....	.....	.....	10,206,018	37,818
1886	.....	.....	.....	.....	13,320,014	90,979
1887	.....	.....	.....	.....	11,319,492	186,967
1888	.....	.....	.....	.....	10,738,455	274,833
1889	.....	.....	.....	.....	13,955,764	61,883

III.—Values of merchandise and of gold and silver coin and bullion, etc.—Continued.

COIN AND BULLION—Continued.

Years ending June 30—	Carried in vessels.		Total.		Total imports and exports.
	Imports.	Exports.	Imports.	Exports.	
1880	$8,493,118	$3,371	$9,115,834	$3,371	$9,119,195
1881	8,529,765	1,500	9,136,324	1,500	9,137,824
1882	5,986,106	9,684	6,631,938	18,446	6,650,384
1883	7,620,572	53,536	9,782,986	96,964	9,879,950
1884	8,679,982	222,512	13,015,901	335,635	13,351,536
1885	4,713,593	41,588	14,919,611	79,406	14,999,017
1886	3,615,382	19,056	16,935,396	110,035	17,045,431
1887	3,536,273	92,845	14,855,765	279,812	15,135,577
1888	3,294,182	44,575	14,032,637	319,408	14,352,045
1889	3,601,484	114,732	17,557,248	176,616	17,733,864

* See remarkable development of traffic in consequence of railway communication, established April, 1884.

RAILWAY CONSTRUCTION AS BEARING UPON POPULATION, WEALTH, AND DEVELOPMENT.

The miles of railway, population, and farming products are given up to 1889. The miles of railway are exact. The population given is from estimates made in the Census Office, and the products are from reports to the Agricultural Department. The statistics of manufactures and wealth are taken from the Census reports of 1880, and to these figures we have added for the increase since 1880 amounts equal to the increase shown between 1870 and 1880. It is certain that the forthcoming census of the present year will show figures greatly in excess of those we have given.

One of the greatest industries of the country, that of mining, which has developed perhaps more rapidly than any other, shows almost fabulous proportions in some sections we have omitted entirely, as we have been unable to find reliable statistics of the mining interests by States.

Railways, population, and wealth.

	Railways.	Population.	Wealth.
Arkansas (area, 53,850 square miles):	*Miles.*		
1860	38	435,450	$219,256,000
1870	256	484,471	156,394,000
1880	854	802,525	246,000,000
1888	2,046	1,140,000	336,000,000
Increase 1888 over 1860	2,008	706,550	116,744,000
California (area, 158,360 square miles):			
1860	23	379,994	207,874,613
1870	925	560,247	638,767,017
1880	2,220	864,694	1,430,000,000
1888	4,126	1,350,000	2,220,000,000
Increase 1888 over 1860	4,103	970,006	2,012,125,387
Illinois (area, 56,650 square miles):			
1860	2,790	1,171,951	871,864,282
1870	4,823	2,539,891	2,121,680,579
1880	7,851	3,077,871	3,092,000,000
1888	9,900	3,750,000	4,070,000,000
Increase 1888 over 1860	7,110	2,578,049	3,198,139,718
Kansas (area, 82,080 square miles):			
1860	.....	107,206	31,327,895
1870	1,501	364,399	188,892,014
1880	3,460	996,096	575,000,000
1888	8,755	1,518,000	961,118,000
Increase 1888 over 1860	8,755	1,410,794	929,790,105

Railways, population, and wealth—Continued.

	Railways.	Population.	Wealth.
Missouri (area, 69,415 square miles):			
1860	817	1,182,012	501,214,398
1870	2,000	1,721,295	1,284,922,897
1880	3,965	2,168,380	1,530,000,000
1888	5,901	2,750,000	1,775,000,000
Increase 1888 over 1860	5,084	1,567,988	1,273,785,602
Texas (area, 265,780 square miles):			
1860	307	604,215	365,200,614
1870	711	818,579	159,052,542
1880	3,244	1,591,749	725,000,000
1888	8,211	2,060,000	1,291,000,000
Increase 1888 over 1860	7,904	1,455,785	925,799,386

Products for the year.

	Corn.	Wheat.	Oats.	Potatoes.	Hay.	Cattle.	Value of manufactures.
Kansas (area, 53,850 square miles):	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Tons.*	*No.*	
1860	17,823,588	957,601	475,268	418,000	9,356	567,799	$2,880,578
1870	13,382,145	741,736	528,777	422,196	6,839	357,935	4,629,234
1880	24,156,417	1,269,715	2,219,822	402,027	20,630	708,243	6,756,159
1888	42,608,000	1,794,000	4,848,000	864,000	56,235	824,539	8,883,159
Increase 1888 over 1860	24,784.412	836,399	4,372,732	416,000	46,877	256,760	6,002,581
California (area, 158,360 square miles):							
1860	510,708	5,928,470	1,043,006	1,789,463	305,655	1,180,142	68,253,228
1870	1,221,222	16,676,702	1,757,507	2,049,227	551,773	631,398	60,594,556
1880	1,993,325	29,017,707	1,341,271	4,550,565	1,045,119	664,307	116,218,973
1888	4,464,000	43,781,000	1,899,000	4,442,000	1,539,454	985,176	165,843,000
Increase 1888 over 1860	3,953,292	37,852,530	855,994	2,652,537	1,233,799	194,966	97,589,772
Illinois (area, 56,650 square miles):							
1860	115,174,777	23,837,023	15,220,029	5,540,390	1,774,554	1,583,813	57,580,886
1870	129,921,395	30,128,405	42,780,851	10,944,790	3,747,339	1,715,586	205,620,672
1880	325,792,481	51,110,502	63,189,200	10,365,707	3,276,319	2,384,322	414,864,673
1888	259,125,000	38,014,000	145,364,000	11,706,000	4,625,482	2,505,302	624,108,000
Increase 1888 over 1860	143,950,223	14,176,977	130,143,971	6,165,610	2,850,928	921,489	566,527,114
Iowa (area, 82,080 square miles):							
1860	6,150,727	194,173	88,325	296,335	56,232	93,455	4,357,408
1870	17,025,525	2,391,198	4,097,925	2,342,988	490,289	373,967	11,775,833
1880	105,729,325	17,324,141	8,180,385	2,894,198	1,601,932	1,451,057	30,843,777
1888	240,508,000	30,912,000	37,529,000	9,063,000	1,935,450	2,315,994	49,900,000
Increase 1888 over 1860	234,357,273	30,717,827	37,440,675	8,766,665	1,879,218	2,222,539	45,542,592
Missouri (area, 69,415 square miles):							
1860	72,892,157	4,227,586	3,680,870	1,990,850	401,070	1,168,984	41,782,781
1870	66,034,075	14,315,926	16,578,313	4,238,361	615,611	1,153,695	206,213,429
1880	202,414,413	24,966,627	20,670,958	4,189,694	1,083,929	2,080,932	165,386,205
1888	218,841,000	20,639,000	36,384,000	6,044,000	1,802,494	2,181,007	200,000,000
Increase 1888 over 1860	145,948,843	16,411,414	32,703,130	4,053,150	1,401,424	1,012,023	158,217,269
Texas (area, 265,780 square miles):							
1860	16,500,702	1,478,345	985,889	174,182	11,865	3,535,768	6,577,202
1870	20,554,538	405,112	762,263	208,383	18,982	3,494,043	11,517,302
1880	29,065,172	2,567,727	4,893.359	228,832	48,530	4,084,605	20,719,928
1888	83,696,000	6,189,000	14,808,000	700,000	189,795	7,923,690	30,000,000
Increase 1888 over 1860	67,197,298	4,710,655	13,822,111	525,818	177,930	4,387,922	23,422,798

THE RAILWAYS OF URUGUAY.

*REPORT OF ALBERTO NIN, DELEGATE FROM URUGUAY.**

WASHINGTON, *January* 6, 1890.

Mr. CHAIRMAN: To satisfy the desires of the committee over which you so worthily preside, I have the pleasure to send herewith a pamphlet arranged *ad hoc*, which contains all the legislation on railroads at present in force in Uruguay, and a map which graphically illustrates its railway system.

As the chairman will observe, this system radiates from Montevideo, capital of the Republic, and terminates, by way of the center, at the north and the extreme eastern and western limits on the frontier of Brazil, and by way of the west in the Uruguay River, which separates the Republic from that of the Argentine, so that its junction with whatever line may be established to put the country which I have the honor to represent in communication with the other nations of America would be as easy to carry out as it would be at once practicable, since the great trunk lines of the Uruguayan system will be complete and open to the public service in all extent during the present year.

The general railroad system law establishes, moreover, a valuable guaranty to the capitals invested by private enterprises, but notwithstanding these circumstances, I believe it proper to state, at this time, that if it should be necessary and advisable to join in obtaining the most perfect communication with the other nations of America, Uruguay would not be very far behind in conceding especial favors which would assure that result.

To this end, it is pleasant to me to salute the chairman with my most distinguished consideration and appreciation.

ALBERTO NIN.

Hon. JUAN F. VELARDE,
Chairman Committee on Railroads,
International American Congress.

* Translation.

THE RAILWAYS OF VENEZUELA.

*REPORT OF JOSÉ ANDRADE, DELEGATE FROM VENEZUELA, TO THE COMMITTEE ON RAILROADS OF THE INTERNATIONAL AMERICAN CONFERENCE.**

At the end of 1887 Venezuela had 232 kilometers of railroad open to public traffic and 407 kilometers under construction, besides 1,982 kilometers contracted for or projected.

Since 1887 there have been finished and opened to the public the line from Puerto Cabello to Valencia, 54 kilometers; that from Barcelona to the coal mines, 19 kilometers; that from La Luz to Barquisimeto, Tocuyo, and Trujillo, 350 kilometers, and that from Caracas to Trujillo, 54 kilometers. The construction of a railroad from Caracas to Victoria has also been begun, and is already well advanced, and it is now to be extended to San Carlos, beyond Valencia, under the name of the Grand Trunk Line of Venezuela. Lately contracts have been made for the construction of new lines which can not be specified at this moment. The Memoirs of Public Credit of 1888 and 1889, give an account of all these contracts with their minor details, and in those of the Treasury Department can be seen the annual earnings and expenses of the lines in actual operation.

In the Engineers' Handbook, published at Caracas in the same year of 1887 by Dr. Jesús Mª Muñoz-Tébar, present minister of public works in Venezuela, and perhaps the best-known railroad engineer in that country, will be found exact information about the native woods most employed in such works, with their common and botanical names, their resistance and price, the weight and price of brick, ballast, etc., and of various materials for pottery found near Caracas. It also contains the barometrical altitudes of some points of Venezuela in the neighborhood of Caracas, on the ridges of the central coast chain which divides the valley of Caracas from those of the Tuy; along the highway of the south which leads to those valleys; on the coast range of Venezuela, the peak of Naigevatá, and chair of Caracas; the Ávila and the other mountains to the north of Caracas; Agua Negra and the other mountains to the west of Caracas; and the interior chain between the rivers Tuy and Guárico. A copy of the Engineers' Handbook mentioned is herewith inclosed.

There is also inclosed a pamphlet abounding in information, entitled

* Translation.

"Document Relating to the Railroad of Ceiba," 1888, in Spanish, and English, together with a copy of the Statistical Annual zuela for the year 1887, in which will be found, among other info the following relating to railroads:

Complete list of railroads of Venezuela up to date, divided into thr
Those constructed and in operation, those under construction, merely contracted for.
Diagram of the railroad from La Guayra to Caracas.
Diagram of the railroad from Caracas to Santa Lucía.
Diagram of the railroad from Puerto Cabello to Valencia.
Extract from the immigration law.
Extract from the land-grant law.
Extract from the law guaranteeing 7 per cent. upon capital inves construction of railroads.

It is probable that complete copies of all laws relating to r and the Statistical Annuals for 1888 and 1889, may soon be p to the committee.

No map of the Republic other than that found in the Statist nual can be found here, and I do not know in what part of the States one of larger dimensions and equal accuracy can be obt

WASHINGTON, *January* 18, 1890.

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LETTER OF TRANSMITTAL.

WASHINGTON, D. C., *March* 19, 1890.

GENTLEMEN: At your request I have obtained the following information with reference to the railways of Mexico, Central and South America, and the prospects of railway building in these countries, especially with reference to an intercontinental line. I have examined the libraries of the city, the Bureaus of the War, Navy, and other Departments, and have had the benefit of reading the reports of the Spanish-American Delegates to the railway committee.

The Spanish-American countries naturally form three groups, viz: Mexico, Central America, and South America. The topographical features of each group and of each country are briefly described. Where railway development is extensive, a mere statement of this is sufficient; where little has been done, more detailed information seemed necessary, and especially as to those countries which the Intercontinental Line would probably traverse. All the railways are given and the important ones described with such other information as seemed valuable; but details have been omitted when given in the reports of the Delegates.

A plan for an Intercontinental Railway has been outlined from a study of all the information obtainable; and, as a matter of interest in this connection, because of the diversity of existing gauges, and of the rapidity with which timber is destroyed in some of these countries, articles on railway gauges and metal ties have been added. Attention is also called to the method of making topographical surveys in various countries.

Tables are given of elevations and distances in these countries and of all the railways built and projected. Where no distinct statement of the distance between the two points could be found it was measured upon all the maps.

For future reference a list of the maps and books from which I have obtained information is submitted.

Very respectfully, your obedient servant,

GEO. A. ZINN,
First Lieutenant, Engineers, U. S. Army.

Hon. H. G. DAVIS and ANDREW CARNEGIE,
Members of the Committee on Railway Communication,
of the International American Conference.

MEXICO.

The railway system of this country has been so well developed that little need be said beyond describing the important lines. As early as 1837, a concession was granted for the building of a line from Vera Cruz to the City of Mexico; but the first real work was not done upon it until 1857. The success of this railway after its opening, in 1873, led to the projection of others by United States capitalists, having the City of Mexico as their objective points. The first of these to take tangible shape was the Mexican Central from El Paso, Tex., where it connects with the Southern Pacific Railway of the United States. The Mexican Government granted liberal concessions of money and land for the building of other lines, most of which have the City of Mexico as a terminal. The theory of these was to have, as well as the through line, branches leading to the Pacific and to the Gulf coast, and a glance at the map will show that some of these have been built. Some of the Mexican lines were projected from the United States to a good port on the Pacific coast to form transcontinental lines. The Sonora Railway and the Texas, Topolobampo and Pacific Railway are examples. The Tehuantepec line was projected to connect the Gulf directly with the Pacific.

A line has been projected from the City of Mexico to Central America, and is now under construction.

Many concessions have been granted by the Mexican Government for the building of railways, and it has been very liberal in donating money and lands; some of these concessions have been forfeited from failure to comply with the conditions imposed, and others are not likely to be carried into effect.

I have described first the lines leading south from the border line of Mexico and the United States, and then named the other lines:

SONORA RAILWAY.

The Sonora Railway, from Nogales, Mexico, to Guaymas, Mexico, 262.41 miles, was opened from Guaymas to Hermosillo, 90 miles, in November, 1881, and to Nogales in October, 1882. It is owned by the Atchison, Topeka and Santa Fé Railroad Company, and with the New Mexico and Arizona Railroad forms the Sonora Division of the Atchison Company's system of roads.

Leaving Benson the line takes a southwesterly direction through the lower part of Arizona to Nogales on the Mexican frontier, 88 miles distant.

This road extends through a fine cereal and grazing country. Another line is to be constructed from Hermosillo (263 miles from Benson), via Ures, Arispe, Bachnachi, and Espia, to Paso del Norte. The population of Guaymas is about 6,000.

When fast trains are put on the Atchison, Topeka and Santa Fé, the journey may be made from New York to Guaymas in five days and a few hours. This line is expected to facilitate communication with Australia, while it also gives traders of the Mexican, Central and South American coasts an opportunity to send their products

APPENDIX

TO THE

REPORT

OF THE

COMMITTEE ON RAILWAY COMMUNICATION.

THE MEXICAN SOUTHERN.

From Laredo another road was projected to the City of Mexico. The original concession for building it was granted May 26, 1881. It has been called "*The Mexican Southern*," "*The Mexican Oriental*," "*The International and Interoceanic*."

The following is a condensed itinerary of this route:

A station had been erected at New Laredo, and on September 1, 1883, about 100 miles of road had been graded, but only half a mile of track had been completed. From New Laredo the route will follow the course of the Rio Grande to Meir, via Guerrero. Leaving Mier the road goes southward to China. The company has the option of constructing a branch to Matamoros, 100 miles distant from Mier. There are wagon roads from China to Monterey (60 miles) and also to Matamoros (90 miles). The line then passes to the eastward of Teran and Linares, running almost due south from China to Victoria, 270 miles from New Laredo. It lies on the border of the *Tierra templada*. From Victoria the line will have a southeasterly direction, crossing the Rio Panuco near Tanjuco, 45 miles from its mouth.

The company has the option of building branch roads to Tampico and to San Luis Potosi, but it is not probable that it will compete with the Mexican Central between these points.

The line will be easy to construct as far as Victoria. South of this station it will extend through the mountains on the eastern edge of the great table-land, and will require rather heavy grades and some tunneling. This division will traverse the Huasteca country, one of the richest portions of the Republic both in agricultural products and mineral deposits.

The proximity of this railway to the sea-board should also be considered. This company has also the choice of extending branch roads to Tuxpan and Vera Cruz. This would, of course, be a formidable opposition line to the Mexican Railway. Judging from the topography of the country, this road will be easier to construct than the Mexican Railway.

The southern division may be described as follows:

Leaving the City of Mexico the line will run parallel with the Mexican Railway (it is not allowed to cross it) to Irolo, 45 miles from the City of Mexico the track will be continued over a level country to Puebla (111 miles), thence southeasterly to Tehuacan (182 miles), from which place there is a tramway to Esperanza, on the Mexican Railway, 31 miles distant.

The road will go south from Tehuacan, following the Rio Salado for several leagues to Arenal, where the Salado and Cuicatlan Rivers unite and form the Rio Quiotepec. Arenal is 237 miles from the capital. A branch line is under construction from Anton Lizardo, on the Gulf of Mexico, toward Arenal via Amapa and Tuxtepec. Anton Lizardo is 142 miles from Arenal Junction. The former town is the only good port on the Gulf coast. The eastern division will be extended to Vera Cruz 23 miles distant. But little artificial grading will be required on the eastern division, and the heaviest grade, according to the surveys, is 72 feet to the mile.

From Arenal the main line will run almost due southward along the Rio Cuicatlan through a well-timbered region to Sedas (301 miles), and thence to Oaxaca, 350 miles (population 26,228, elevation about 5,000 feet). Leaving Oaxaca the railway will run southward with a descending grade to Amatlan, Ejutla, and Miahuatlan, the latter being about 65 miles from Puerto Angel, the principal port of the State, and at which the Pacific Mail steamers touch.

From Miahuatlan the road takes an easterly course over a rugged country to the town of Tehuantepec (523 miles), 10 miles from La Ventosa on the coast. The Pacific Mail steamers stop at the adjoining port of Salina Cruz, which has a good harbor and will become the terminus of the projected railway across the Isthmus. The Mexican Southern will make connection with the Tehuantepec road at the station of that name. The former road will be extended eastward from the town of Tehuantepec

(population 12,000) to Tonala on the coast, where the Pacific Mail steamers stop once a month. Leaving Tonala the main line bifurcates, one branch running northeastly to San Cristobal, the other to Tapachula and thence probably to the City of Guatemala.

The region traversed by the southern division of this railway lies mostly in the States of Vera Cruz, Oaxaca, and Chiapas. It is very rich in mineral deposits and agricultural products. The climate is salubrious and the vegetation luxuriant along the greater part of the route. The State of Oaxaca contains valuable mines of gold, silver, iron, copper, and mercury; the cereals, brown beans, and tobacco, are grown in abundance, and petroleum is found near Puerto Angel. The States of Vera Cruz and Chiapas are rich in coffee, sugar cane, cocoa, tobacco, indigo, vanilla, and India rubber.

Here (Laredo) the "Oriental," the southern corner of the vast Gould system of railroads, leaps straight across the river, penetrates the *tierra caliente*, or hot coast region, and draws a direct line for Mexico City. Thence it will be continued southward to the "Mexican Southern," a concession controlled by General Grant, and eventually may penetrate the confines of Guatemala, and even Central and South America. Who knows? With a management presided over by the greatest general of our armies and the skillful organizer of our railways it is possible that within a decade of years one may obtain over the Gould system of roads a through ticket from New York to Panama or from St. Louis to Quito. *

Mexico has almost no navigable streams, and hence the railway would seem to furnish the instrumentality indispensable to her future development.

The Mexican Southern Company has recently issued $2,940,000 of preferred stock and $2,450,000 of common stock to aid in the construction from Puebla to Oaxaca, 249 miles. The present issue is to complete the road from Puebla to Tecomavaca, 139 miles. It is said that the surveys are complete to this point. The grading is complete from Puebla about 90 miles, and a very large force is now at work. The entire line is to be completed in two years. It will connect with the Interoceanic and the Mexican Central at Puebla, and will have a gauge of 3 feet.

The following is given in the Engineering News of January 11, 1890:

Salvador Malo, of the City of Mexico, has taken over the concession known as the Fenelon concession for a railroad from Oaxaca to Tehauntepec.

CONTINENTAL RAILWAY.

A concession was granted November 15, 1889, to Feliciano San Roman for the construction of a railway from Matamoras to Tuxpan, thence one branch to the city of Mexico, and another to connect with the National Railroad of Tehuantepec, from which connection one branch is to be built to any port in Yucatan and another branch to the boundary line of Guatemala. Construction is to commence in two years and the line is to be completed in twenty years. The Government grants a subsidy of $18,000 per kilometer in 5 per cent. bonds and gives the company all mineral lands and marble quarries along the right of way.

Some years ago a concession was granted to Count Telfener for a railway called the New York, Texas and Mexican Railroad to be built from Matamoras through Tampico and Tuxpan to the City of Mexico. This concession was forfeited, but a renewal of it has recently been secured by General Treviño.

MEXICAN RAILWAY.

Vera Cruz to City of Mexico 264 miles. In 1837, the first Government decree was issued granting a concession for the building of this railroad, but the projector was unable to construct any portion of it and the grant was declared forfeited. The first real work was begun in 1857, when Don Antonio Escandron secured the right to construct a line from the Gulf of Mexico to the Pacific. This concession was transferred

* Obers: 'Travels in Mexico.'

in 1865, and work was begun at either end; after many delays trains commenced running between Orizaba and Vera Cruz September 5, 1872, and on January 1, 1873, the entire line was completed. Its success led to seeking connection with the United States and many concessions for such lines were granted by the Government with subsidies of about $8,000 per kilometer. Most of these have been merged into the greater lines.

Senor Romero has said:

As a test of the capabilities of this road, let us make a comparison between the earnings of the Vera Cruz Railroad and roads similarly situated in the United States. Probably the two lines combining more nearly than any others similar conditions are the Union Pacific and the Central Pacific, having heavy mountain grades, long stretches of high table lands, and sea-coast connections. An examination of the official report shows that in 1880 the gross earnings per mile of these three roads were, Union Pacific, $11,304; Central Pacific, $7,818; Vera Cruz, $12,662. The net earnings per mile were as follows: Union Pacific, $6,168; Central Pacific, $3,913; Vera Cruz, $7,330. The reports for 1885 show as follows: Gross earnings Union Pacific, $12,516; Central Pacific, $8,758; Vera Cruz, $16,489. Net earnings: Union Pacific, $6,207; Central Pacific, $3,758; Vera Cruz, $10,098. It will thus be seen that for the last year, the Vera Cruz road made a net earning of 6 per cent. upon a capital of $168,000 per mile. A very liberal estimate would not place the cost of construction to-day at more than $50,000 per mile, upon which the present net earnings would be a return of about 20 per cent.

This line has a branch from Apizaco to Puebla, 29 miles in length, and operates the Jalapa Branch Railway from Vera Cruz to Jalapa, 70.75 miles.

THE INTEROCEANIC RAILWAY OF ACAPULCO AND VERA CRUZ.

This road was registered April 30, 1888, and projected to run from Acapulco, on the Pacific Ocean, to Vera Cruz, on the Atlantic, passing through the cities of Morelos, Yautepec, Amacusac, Mexico, Irolo, Calpulalpam, San Martin, Vireyes, Perote, and Jalapa; with branches from Vireyes to San Juan de los Llanos, from San Lorenzo to San Nicholas, and from Yautepec to Cuernavaca. For fifteen years the company may import, free of all duties, federal and local, material for construction, operation, and rolling-stock. The company is obliged to build at least 50 kilometers of track each year (beginning July 1, 1887), over and above the 467 kilometers (289.5 miles) already built, as follows: Mexico to San Martin, via Irolo, 123.6 kilometers (76.6 miles); San Martin to Puebla, acquired by the coal company, 37 kilometers (22.9 miles); Puebla to Jalapa, via Vireyes and Perote, 89.7 kilometers (55.6 miles); Vera Cruz to Jalapa, 25 kilometers (15.5 miles); Mexico to Yautepec, 158.3 kilometers (94.4 miles); total, 268.6 miles. Branches: San Lorenzo to San Nicholas, 22.3 kilometers (13.8 miles); Vireyes to San Juan de los Llanos, 11.3 kilometers (7 miles); total branches, 33.6 kilometers (20.8 miles); total of all lines 289.5 miles. The company must finish said lines within the maximum term of twelve years, counting from July 1, 1887. The company has purchased the Puebla and San Marcos, running from Puebla to San Marcos, on the Mexican Railway, 35.4 miles, and has under construction a connection from La Luz to Vireyes, on the Puebla road. Control was also acquired in 1884 of the Mexican Carboniferous Railroad, projected from Puebla south to the coal fields; and in 1886 the Mexican Government sold to this company the Puebla and San Martin Texmelucan Railway from Puebla to San Martin, 15 miles, with the stipulation that the road is to be speedily completed—the guage is 3 feet and rail steel, 40 pounds.

An idea of the construction of this road in a difficult part is given in the following quotation:

From Ozumba the descent begins. Its steepest portion is in the next 10 miles, where the lines twist backward and forward along the sharp declivity in order to obtain a sufficiently easy grade. At several points in this curving descent three lines of track at different elevations lie close together. From Nepantla the road is much less steep, but all the way to Cuautla the road is down hill. Beyond, the road continues through the cane country to Yautepec.

This line is complete from Mexico City to Perote, 160 miles, and the Morelos line has been completed to Tlalizapan.

From a point 25 miles south of Cuernavaca this line will run entirely within Guerrero, a State possessing immense mineral wealth almost totally undeveloped.

The Interoceanic Railway, a narrow-gauge road from Vera Cruz to the City of Mexico and thence to Acapulco, has been in contemplation for several years, but the necessary capital to carry it through has been wanting. At one time a French company was formed, but it failed to accomplish anything. Finally English capital was induced to take hold of the enterprise. After a survey of the route by civil engineers, sent out for the purpose, a company was organized with a capital of £3,500,000 sterling. That was over a year ago. It has been actively at work about nine months. From a civil engineer connected with the company I learn the following facts:

The work done thus far has been on the Vera Cruz division, which, it is expected, will be finished and in active operation in about a year. A new contract has been made by the company with the Mexican authorities for the Acapulco division, of the terms of which I am not advised. There are now at work on the division being built about six thousand men. The line is complete from the City of Mexico to Perote, 160 miles. That from Perote to Vera Cruz, 133 miles, is under construction.

On the Acapulco division there are 95 miles of railway in operation, from the City of Mexico to Yautepec, which was purchased by the Interoceanic Company. In this connection I would remark that the Interoceanic Company has purchased two other lines on the Vera Cruz division—the road from Puebla to San Juan, 90 miles, and from Vera Cruz* to Irolo, 40 miles.

The distance from Acapulco to the City of Mexico, in a straight line, this engineer informs me, is about 285 miles; as the road will probably be run it will reach 386 miles. The route has not been as yet defined or determined. It may not be run direct to the City of Mexico, but make a divergence at or near Chilpanzingo and connect with the Vera Cruz line at Puebla. While this will not materially lengthen the distance to the City of Mexico, the change will shorten the route from Acapulco to Vera Cruz.

The most difficult portion of the work is between Acapulco and Chilpanzingo, a distance of 108 miles. The route is hilly and mountainous, the hills running transversely across the route, thus rendering the engineering laborious and costly. The character of these elevations can be conjectured from the fact that Chilpanzingo is between 5,000 and 6,000 feet above the level of the sea.

The most important fact connected with this brief summary is the certain construction of this important railroad, which will be of immense benefit in the development of this portion of Mexico and to its commerce. It will open, besides, a new and brilliant future to Acapulco, utilizing its splendid harbor and opening to its people new and varied industries. On the completion of this work depends the future of the town and the development of this section. (Report by Consul Loughery, Acapulco, August 22, 1889.)

RAILROAD FRANCHISE IN MEXICO.

Mention has already been made of a railroad concession having been granted on December 5, 1887, for a line to commence at the port of Mazatlan (consular district of Mazatlan), State of Sinaloa, to extend to the northwest, nearly parallel with the coast line of the Gulf of California into Sonora, to connect with the Sonora Railway at some convenient point north of Guaymas. This franchise or contract was not formally confirmed by the President of the Mexican Republic until February 23 of this year, and is a modification of the franchise or contract of the Sinaloa and Durango line which was signed on July 5, 1886.

It is proposed that this line shall pass through Culiacan, the State capital of Sinaloa, into Sonora, touching at Alamos, and, as before stated, connecting with the Sonora Railway.

The contract also includes a road from Culiacan or Mazatlan to some point in the State of Durango, with right to continue the line through the State of Coahuila to the Rio Grande, and to construct branches from either side of the lines, each branch not to exceed 62.14 statute miles in length, the said branches to be designated to the executive within five years from date of signature of the franchise.

From the port of Altata to the city of Culiacan a railway 35 miles in length is in operation. This piece of road was constructed under a concession granted to the government of the State of Sinaloa on the 15th August, 1880. The time allowed for commencement and completion of the surveys and construction of the line is the same as that stipulated by the concession of July 5, 1886, but extended so as to count from February 23 of this year.

* Probably the City of Mexico.—G. A. Z.

The concession confers right to construct and operate docks, wharves, warehouses, telegraphs, etc., as is usual in such contracts.

The road is to be standard guage, the maximum of grades to be 4 per cent. and the minimum radius of curves to be 325 feet. The weight of rails to be 60 pounds to the yard.

The company formed to carry out this contract can issue bonds at not less than $15,000 nor more than $25,000 per kilometer, and can mortgage the line at a rate not to exceed $150,000 per kilometer. The subsidy given by the Government is to be $8,000 per kilometer (equal to $12,874 a statute mile), in bonds denominated "railway subsidy bonds," bearing 6 per cent. interest, payable by the Treasury every six months.

At the end of ninety-nine years the road and all its equipments is to become the property of the Government.

Referring to a franchise granted by the Mexican Government in November of last year, mentioned in my general report of that year, for the construction of a line of a railroad from Guaymas to Alamos, 240 miles distant, a reconnaissance of the route has been made, but no work of construction has yet been commenced, nor has any material arrived. (Report by A. Willard, U. S. consul, Guaymas, Mexico, March 19, 1888.)

THE TEXAS, TOPOLOBAMPO AND PACIFIC RAILROAD

(American and Mexican Pacific Railway) was projected, of standard gauge, to run from Eagle Pass to Topolobampo, with branches to Presidio del Norte, Alamos in Sonora, and the port of Mazatlan. The concession was granted June 22, 1880, with a subsidy of $18,050 per mile. The company was organized in March, 1881, under the name of the Texas, Topolobampo and Pacific Railroad Company, but in 1883 the name was changed to the American and Mexican Pacific Railway Company. The total length of the line was to be about 1,500 miles, of which 93 miles are surveyed and 35 miles graded from the harbor to the Rio Fuerte. This route was to be the shortest transcontinental line to Australia and Asia that could be laid down on the map. It claimed to have at Topolobampo, within the Gulf of Mexico, one of the few fine harbors of the Pacific coast. These harbors are spaced at wide intervals. That at the Columbia River is the highest up, then 600 miles south is San Francisco, 441 miles below this is San Diego, 650 miles farther on in a direct line, or 936 doubling Cape St. Lucas, is Topolobampo, and 740 miles south of this again is Acapulco. Between them there is nothing that can be called a harbor.

The concession granted to the Texas, Topolobampo and Pacific Railway Company has been officially declared forfeited. The concession was originally granted in June, 1881, and modified afterwards in a manner favorable to the company, the company being obliged within a year from the final modification in 1888 to build at least 50 kilometers of road, which was not done. The company loses the forfeit money, amounting to $90,000. (Telegram, City of Mexico, January 6, 1890.)

TEHUANTEPEC RAILWAY.

In 1841 the Mexican Government granted a concession to Don José de Garay to make a connection between the two oceans, providing that the grantee should make a survey, at his own expense, of the ground and the direction which the route should follow, and also of the ports which might be decreed most convenient from their proximity. A survey was duly made and the reports were published. The route was not necessarily to be a canal, although Señor Moro, the engineer, based his operations upon this assumption.

Soon after the termination of the war with the United States, the franchise of Señor de Garay became the property of Mr. P. A. Hargous, of New York, who, in connection with a company organized in New Orleans, assumed the rights and responsibilities of the Garay grant. After negotiations with the Mexican Government, and unavoidable delays, it was agreed that a railroad would be more practicable than a canal. Accordingly a survey for a railway across the isthmus was made in 1851, under the direction of the late General J. G. Barnard, of the U. S. Army, who was detailed for that purpose. The surveys demonstrated that a railway would be feasible at a moderate expense, that the grades did not exceed 60 feet per mile except at the

Chivela Pass, where they were 116 feet per mile for the distance of 8 miles, and that the summit was 720 feet above the sea level. In 1857 the railroad project was resumed and a new survey was executed under the direction of Col. W. H. Sidell, U. S. Army, but owing to various reasons this line was never constructed.

In 1870, the Tehuantepec Railway Company was formed in New York. Mr. Simon Stevens became its president, with the late Hon. Marshall Roberts as promoter. New urveys and exploration were made, but the road was not built under this administration. Upon a reorganization of the company, with Mr. Edward Larned, of Pittsfield, Mass., as president, and under a charter from the State of Massachusetts, a modified concession was obtained from the Mexican Government on June 2, 1879, to build the Tehuantepec Railroad. A subsidy of $7,500 per kilometer was included in the concession. The track was not to exceed 200 kilometers (124 miles) in length.

Under Mr. Larned's management only 5 kilometers were constructed and the concession was declared forfeited for non-compliance with its conditions.

In 1882 the Mexican Government made a contract with private individuals for the completion of the Tehuantepec line, and in January, 1883, the track was finished from the mouth of the Coatzacoalcos River to Minatitlan, a distance of 25 miles. The route of the projected railway is about 170 miles in length.

The line runs due north and south, and will traverse the southern portions of the States of Vera Cruz and Oaxaca. The adjacent country may be described as follows:

The depth of the water at low tide is 13 feet on the bar at the mouth of the Coatzacoalcos River, which is navigable for a distance of 30 miles. Placer gold deposits are said to exist in the interior of the isthmus, although the country has not been yet geologically explored. Large beds of asphalt also occur. The vegetable productions of this region are indigo, tobacco, sugar-cane, cocoa, cotton, coffee, Indian corn, vanilla, sarsaparilla, ginger, and India rubber. The terminus of the road will be at Salina Cruz, 3 miles west of La Ventosa, on the Pacific coast, which is considered a safe harbor.

A telegram from the City of Mexico dated February 12 says that work on this road is making good progress, with over 2,000 men employed. Up to date 47 kilometers (29 miles) are completed from Coatzacoalcos on the Gulf and 80 kilometers (49.6 miles) on the Salina Cruz or Pacific end. The great provisional bridge, 1,250 feet long, over the Tehuantepec River is finished. It will eventually be replaced by a more solid structure.

Cardenas Railway.—From Villa de Cardenas to El Ingenio, on the left bank of the Grijalva River, in the State of Tabasco. Completed 4 miles.

A company has secured a subscription of $2,500,000 in London to its first preference stock to build a line from Tonala to a point on the Grijalva River, thus making an interoceanic line. Surveys are now being made westward on the Pacific Coast from Tonala; a portion of the line to the eastward has already been located.

Ferro Carril de Hidalgo, from Irolo to Pachuca, 37 miles with branches from Teoloyucan to Tizayuce, 15 miles, and from Tepa to Santa Maria, 9 miles, total 61 miles and siding 2 miles. Gauge 3 feet.

Ferro Carril de Monterey y Golfo, projected from Monterey to Tampico, about 400 miles, 25 miles opened April 24, 1889, 100 miles to be completed July 1, 1889, the remainder to be built as rapidly as possible. A recent report says that track is laid 78.2 miles southeast of Monterey, and the branch line running northwestly to Venadito is being completed at the rate of 2 miles a day.

Ferro Carril Nacional de Tehuacan a' Esperanza.—Chartered September, 1877. Construction begun July 1, 1878, completed and opened January, 1880. This road was built chiefly to carry the products of the country through which it passes. It is worked by mule power, the use of locomotives being very expensive and considered im practicable. Length of line 31 miles. Gauge 4 feet 8½ inches. Total cost of road $350,000. Operating cost 65 per cent. of gross earnings. A concession has been granted to extend it 49.6 miles south of Esperanza.

Matamoros and Matehuala.—It is stated that this road will soon be under construction. It is to run from Tamaulipas via Villa de Mendez, Cruilla, Burgos, San Nicolas, Villagrau, Hidalgo, Victoria, Linares, to Matehuala. The country through which it passes is rich in minerals and timber and is capable of producing large crops of cotton, sugar and tropical fruits.

Sinaloa and Durango Railway.—A concession was granted to Mr. Robert R. Symon and associates for the construction of a railway from the Port of Altata to Durango via Culiacan and Casala, with a branch to run down the coast from Culiacan (population 10,000) to Mazatlan.

This road is completed to Culiacan, 38.5 miles The company's charter was amended in 1888, authorizing the construction of a road from Mazatlan to Guaymas, and promising a subsidy of $8,000 per kilometer, payable in 6 per cent. bonds. The cost of the completed portion was $1,102,269, of the equipment, $54,577.

Michoacan and Pacific.—This road was opened for traffic from Maravatio to Angangeo, 27.9 miles, on January 1, 1890, and will be opened to Las Trojes, 3 miles further, by March 1. The construction is to be continued towards Ignala.

Nautla and San Marcos Railway.—Authorized from bar of Nautla, on the gulf between Vera Cruz and Tuxpan to San Marcos, on the Mexican Railway, 111 miles. Four miles have been completed of standard gauge. The concession, dated June 25, 1881, granted a subsidy of $9,660 per mile.

Puebla and Izucar de Matamoros Railroad.—From Puebla to Izucar, 37 miles, of narrow-gauge. The concession, dated May 6, 1878, granted a subsidy of $12,880 per mile, or $480,000 in all.

Vera Cruz, Anton Lizardo and Alvarado Railway.—From Vera Cruz to Alvarado, 34 miles. The concession granted March 26, 1878, carried a subsidy of $12,880 per mile; an extension having been authorized from the San Juan River to the Isthmus of Tehuantepec, 84 miles, makes this amount to $1,520,000 in all.

The following concessions are said to have been granted and are likely to be carried out, either wholly or in part:

(1) For a road from Deming, N. Mex., southward via Asuncion, Corralitos, Casas Grandes, El Valle, and Santa Ana to Guerrero, east to Chihuahua and west to Guaymas Bay and Topolobampo. Surveys are being made along the route.

(2) For a line from Matamoros to San Luis Potosi, to be of standard gauge and with a subvention of $8,000 per kilo.

(3) From Matamoros to Bagdad.

(4) To Gonzales Esteva for a line from Chamela, on the Pacific, to Aguas Caliente, and Guadalajara. The States of Jalisco and Aguas Calientes have granted subsidies of $2,000 and $3,000 per mile, respectively.

(5) To General Felipe Camacho for a line from Tula via Pachuca and Enlancingo to Zacualtipan with authority to extend the line to Tampico or Tuxpan. The surveys are to begin at once, the construction within a year, and the line is to be completed within four years. A subsidy of $9,000 per mile was given. Work has already begun and about 14 miles are nearly completed.

General Palmer, president of the National road, says that the introduction of railroads has increased the revenues of the Government from eighteen to thirty-one millions a year. It is clear that railroads are going to have a profitable corner here, but it will have to be on a reasonable business basis. When the railroad people conclude to reckon their subsidies as uncertain, for the present at least, and to count simply on the earning capacity of their property, they will be on a solid basis and in time a profitable one, too.

The expenses of railroading in this hot climate are great. Wooden ties have but a short life, cracking in the dry season and rotting during the rainy months; bridge timber and piles also wear out rapidly. Freight cars must be painted frequently to prevent drying and cracking, and even the substantial Pullman cars shrink under this exposure. Fuel constitutes a large item of outlay. Mesquit roots are burned on the Central road, pine cut along its route is used on the Interoceanic, and the Vera Cruz Company feed their engines coal blocks brought from Wales as ballast. The decay of ties will in time necessitate a serious outlay on the Central road, for wood

sleepers cost here $1 each. It is evident that iron ties are a necessity in Mexico, and they are just coming into use. The climate tends to preserve the rails and iron bridges, provided the latter escape the torrents of the rainy season. The grades on the railroads are somewhat heroic, and the task of constructing road beds in this mountainous region is often gigantic.*

RAILROADS IN YUCATAN.

Ferrocarril de Merida á Progreso, from Merida to Progreso, 24 miles. Federal subsidy, $9,660 per mile. Total cost, $800,000. Construction begun, July, 1873. The road was opened September 12, 1882. Gauge, 4 feet 9 inches. Soluta branch from Merida to Soluta, 30 miles.

Ferrocarril de Merida á Peto, from Merida to Tiscal, 43.4 miles projected to Peto, 100 miles in all. Concession was granted by the federal government to the governor of Yucatan March 27, 1878. After 2.5 miles had been built it was transferred to R. and O. G. Canton. The completed portion was opened May 5, 1885. It has a subsidy of $8,344 per mile. Gauge, 3 feet.

Ferrocarril de Merida á Calkini, from Merida to Chochola, 21 miles; projected to Calkini, 102 miles. Completed portion opened August 2, 1884; the remainder is under construction. Concession dated September 14, 1880, with subsidy of $8,344 per mile. Gauge, 3 feet.

Ferrocarril de Campeche á Calkini, projected from Campeche to Calkini, 52 miles. Completed branches from Campeche to Pomuch, 39 miles, and from Campeche to Lerma, 6 miles. The main line is under construction. Gauge, 3 feet. Concession is dated February 23, 1881, and gives a subsidy of $9,660 per mile. Sole owner, José Mendez Estrada, who issued to the State of Campeche fifty shares of stock of $1,000 each in consideration of the concession.

Ferrocarril de Merida á Vallidolid, projected from Merida to Valladolid, 106 miles, of which 22 miles from Merida to Motul City, were completed and opened July 22, 1888, the remainder is under construction branch from Conkal to Progreso, 19 miles, completed. Another branch is projected from Cenotilla to Tizimin, 37.7 miles. Gauge, 3 feet. Concession dated December 15, 1880, with a subsidy of $8,344 per mile.

The following concessions have been granted:

(1) For a line from Cancel to Progreso, without a money subsidy, the road to be finished in five years.

(2) For a line from Izamal to Chan Santa Cruz. An extension to be built from Tekanto to Izamal.

One of the best built railroads in Yucatan is that owned by the brothers Rudolfo and Olegario G. Canton, and named the Merida and Peto Railroad, and, as it may be considered a typical road of Yucatan, a general description of it may be of use.

Its concession was consummated May 27, 1878, and the first rail laid a year later. The road is of 3 feet gauge, well built, and ballasted for the most part. The rails are of Bessemer steel (purchased in England), weighing 40 pounds to the yard, and resting upon sleepers of "Chu cum," a very hard wood, as hard and heavy as lignum vitæ. These ties, or sleepers, are placed 2 feet apart, fifteen to the rail length. The locomotives are four in number, all purchased in the United States. Five passenger-cars are now in use. Twenty-two box and platform cars carry the bulk of the traffic.

Upon the line of the 68 kilometers (42 miles) now in actual operation there are eight suitable and thrifty looking stations, built of stone and mortar, well cared for, and very neat in appearance.

The cost of [illegible]ucting a road-bed in Yucatan is materially lessened by the level land surfa[illegible] of [illegible] one natural depression necessitating a fill of over 25 feet upon an[illegible] in Yucatan. The rocky plane that for the most par[illegible] Yucatan is of recent formation, being of soft, calcare-[illegible]e road builders sometimes find themselves literally [illegible]ng waters and other causes combining to form caves [illegible]tude, and covered with a crust of various degrees of [illegible]

[illegible] and Peto Railroad has just had to grapple with a [illegible]

*[illegible]xico of To-day," by S. B. Griffin, 1888.

overcome a difficulty of this nature. While cutting the road through a small hill near the station of Hunabchen a blast suddenly opened the mouth of a gulf beneath, which luckily proved to be comparatively small and shallow, and with much labor was filled sufficiently to allow the work to proceed.

I have collated the following data concerning the railroads of Yucatan. The amount expended can, of course, be considered as only approximately correct. Various reasons make it an impossibility to obtain the exact figures in dollars and cents.* (Report by Edward H. Thompson, U. S. Consul, Merida, Yucatan, February 15, 1888.)

THE COAL-MEASURES OF COAHUILA.

As the Republic of Mexico is generally regarded as barren in coal-measures of commercial worth, a statement of what has actually been accomplished in the past three years in proving the existence of extensive coal areas and in their development in a portion of the state of Coahuila will be of value.

The region of country bordering the Rio Grande River, from above Eagle Pass to below Laredo, Tex., and extending westerly and southerly over 100 miles in the State of Coahuila, belongs geologically to the cretaceous period. In the Rio Grande region the coal-measures, as seen in the hills around Eagle Pass, Tex., and at Laredo, belong to the "Fox Hills group" in the classification of geologists.

This Rio Grande coal belongs to the class of cannels or semi-cannel coals. Cannel coals are valuable for household and general use as fuel, either for heat or steam production, and also for the manufacture of gas or the distillation of oil, but are valueless for manufacture of coke.

The Sabinas coal, as the Coahuila coal is called, on the other hand, is a highly bituminous coal, yielding by analysis from 60 to 70 per cent. carbon, and produces an excellent grade of coke admirably adapted to all smelting purposes, whether of iron or the ores of the precious metals.

The extent of the coal areas in the State of Coahuila is not yet definitely determined, and hence this report will be limited to a general description of the coal areas that have been explored and are now being actually developed by the companies representing American capital, the Coahuila Coal Company and the Alamo Coal Company. These companies jointly own about 51 square leagues of territory, or about 220,646 English acres. This immense area is traversed by the track of the Mexican International Railway, and embraces a large portion of the valleys of the Sabinas and Salado Rivers.

Sabinas station, on the Mexican International, is 73 miles from the Rio Grande River at Piedras Negras, and has an altitude above sea-level of 1,116 feet.

From Sabinas there is a standard-gauge railroad 13 miles to the coal mines at San Felipe and Hondo, where the coal companies have their main works. Here are offices, store-houses, miners' quarters, mining machinery, and all appliances for mining and shipping coal in large quantities. Explorations over this large area by prospecting shafts and the diamond drill have conclusively demonstrated that two, and perhaps three, coal horizons underlie this territory. The uppermost in the geological series of these coal formations is known as the "Laramie group," and the one that belongs immediately beneath it is the Fox Hills group.

The Laramie and Fox Hills groups are well-known coal-bearing formations in Colorado, Utah, and Wyoming.

In Coahuila coal formations the same conditions are found to exist as in all other western coal formations.

The entire region appears to have been disturbed by some convulsion of nature, so much so that the coal horizons, instead of lying in horizontal planes, can be more accurately compared to an undulating inclined plane. The disturbing cause or force seems to have been exerted along a path from south-southwest to north-northeast, leaving the ridges and depressions running nearly west-northwest and east-southeast, and hence at many points the strata have been greatly disturbed and broken up and faults occur in the continuity of the coal-bed.

At some points the strata are nearly horizontal and in close proximity; have changed to an inclination of from 30 degrees to 40 degrees. Other peculiarities of the formation were caused, probably, by forces at work simultaneously with the deposition of the coal material. The district was doubtless acted upon by swift currents of water that washed away portions of the vegetable material (basis of future coal) and clays were deposited in its stead.

Subsequently other coal material was deposited over the clays, and clays in process of time changed to argillaceous shales. These shales, representing what coal miners call a "horse," where no subsequent deposit of coal material was laid down, only a thin scale of coal will be found. Hence coal mining in the western coal

* The table has not been copied.—G. A. Z.

formations in Utah, Colorado, and Wyoming, in the United States, and here in Coahuila, is subject to about the same conditions, viz., varying thickness of the coal-beds, even within short distances, and to greater or less variation in the quality of the coal within equally circumscribed limits. The variation in thickness may extend even to an entire absence of coal from certain portions of the bed, and variation in quality may range from fine coal to merely carbonaceous shale. These varying conditions in thickness and quality necessitate careful explorations with the diamond prospecting drill. This has been very exhaustively performed over large areas by the coal companies established at San Felipe and Hondo.

The Laramie strata can be traced along the north side of the Sabinas Valley, a distance of nearly 40 miles, beginning a few miles above Sabinas station of the Mexican International Railroad and extending southward down the valley.

On the south side of the River Sabinas, some 20 miles from Sabinas station, coal croppings are found in strata equivalent to the Fox Hills group.

As coal of either the Laramie or Fox Hills age, or both, is well known to exist in Colorado and New Mexico along the eastern slopes of the mountains, it is evident that there is a belt of these two coal-bearing formations extending nearly or quite continuously from the valley of the South Platte in Colorado to the State of Nuevo Leon, Mexico. The coal at Sabinas is the only coal found anywhere in northern Mexico suitable for iron smelting and kindred metallurgical processes.

At many points on the Sabinas River thick beds of argillaceous shales occur, mixed with alternate layers of iron-stone. This iron-stone, it is believed, will some day prove of immense value for manufacture of pig-iron.

The argillaceous iron-stone of the Sabinas region, the mountains of magnetic iron ore in the neighborhood of Monclova, and the limestone found all over the country, in connection with the Sabinas coal and coke, comprise all the materials and requisites for the manufacture of iron.

The extension of the Mexican International Railroad to Durango will bring Sabinas coal and coke to the famous iron mountain of Durango.

When one considers that save at the Sabinas coal mines no coal is anywhere mined in all the territory of Mexico, and bearing in mind, too, the equally important fact that Sabinas coal produces a fine grade of coke, the immense value of these coal mines, now producing over 8,000 tons of coal per month, to Mexico is apparent. This coal is sold to the Mexican International and Mexican Central Railways, shipped to the City of Mexico, and about 3,000 tons monthly is exported to the United States at Piedras Negras for the Southern Pacific Railway.

The development of iron manufacture, that is, producing pig-iron from iron ores, and of the thousand attendant industries, will be of incalculable benefit to Mexico, as at present Mexico purchases all her iron and iron manufactures.

It is quite possible that the full development of the iron industries of Mexico, now for the first time made possible, or even probable, by the demonstrated fact that coal yielding an excellent coke exists in inexhaustible quantity in the Sabinas region, will prove of greater value to Mexico, will contribute more to the real comfort and well-being of her people, and add more to the real greatness and wealth of the Mexican nation than have her immense resources in the precious metals.

So to-day in the United States the united industries of coal and iron add more to the national wealth, strength, and prosperity than does the total yield, immense as it is, of our mines of the precious metals. (Report by Eugene O. Fechét, U. S. consul, Piedras Negras, December 6, 1889.)

CENTRAL AMERICA.

The present independent Republics of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica constitute what is known as Central America—a territory extending between 8° 10′ and 19° 20′ north latitude, and between 82° 25′ and 92° 30′ west longitude. In length it measures between 800 and 900 miles, while its breadth varies from 30 to 300 miles. No competent survey has ever been made of this country, and even the coast line is not always correctly laid down on the best charts. Maps have been made at haphazard in most cases, and very few positions have been successfully determined. Government surveys along the lines of proposed canals or railways have not extended beyond a narrow line, usually in low regions remote from important centers. Dr. Franzius has published a very excellent map of Costa Rica; but most of the so-called maps published by or under the authoriy of individual republics are of no scientific value, the course of the principal rivers and the direction of the main mountain chains being unknown. To illustrate the uncertain geography of Central America, let me give the extent and population, as published by three authorities: I. Lippincott's Gazetteer; II. Whittaker's Almanac, and III. the "Geografía de Centro América" of Dr. Gonzalez:

States.	I.		II.		III.	
	Square miles.	Population.	Square miles.	Population.	Square miles.	Population.
Guatemala	40, 777	1, 190, 754	40, 776	1, 500, 000	50, 600	1, 200, 000
Salvador	7, 355	434, 520	7, 335	554, 000	9, 600	600, 000
Honduras	47, 090	351, 700	39, 600	300, 000	40, 000	400, 000
Nicaragua	58, 000	263, 000	58, 170	300, 000	40, 000	275, 816
Costa Rica	21, 495	180, 000	26, 040	200, 000	21, 000	200, 000
	174, 697	2, 392, 974	171, 921	2, 854, 000	161, 200	2, 675, 816

Without surveys and without a proper census of the Indian tribes no scientific description of the country can be given. Humboldt's theory of an Andean cordillera has been disputed, and his mountain chain has proved to be a confusing (but not confused) series of mountain chains.

* * * * * * *

Whatever has been the process by which this essentially mountainous country has been formed, we have at present at its northern boundary the high plain of Anahuac, extending from Mexico (where it is interrupted by the Isthmus of Tehauntepec) through Guatemala; of somewhat lower level in Honduras and Salvador, sinking to almost sea level in Nicaragua (154 feet); and rising again in the Altos of Veragua to about 3,250 feet. This main range has its axis much nearer the Pacific shore and almost parallel to it, being in Salvador, distant 75 miles, and in Guatemala (Totonicapan), only 50. Towards the Pacific the slope is steep, interrupted by many volcanoes; while on the Atlantic side the gently terraced incline is broken into subsidiary ridges extending to the very shores. In the oceanic valleys and along the coast are the only lowlands of Central America.*

Among the important rivers of Central America are the Usumacinta, which flows into the Gulf of Mexico, and is navigable many miles through a singularly fertile country. The swift Chixos, the Rio de la Pasion, and the almost unknown San Pedro, unite to form this "child of many waters."

* "Gautemala," by W. T. Brigham, 1887.

The Rio Polochic and Motagua in Guatemala, the Segovia, Rio Grande, San Juan, etc., flow into the Caribbean Sea. Those flowing into the Pacific are short in length, except perhaps the Lempa in Salvador.

Of the lakes, the most important are Nicaragua and Managua, Izabal and Peten, 500 feet above sea-level, Atitlan (5,110 feet), Amatitlan (3,890 feet), Cartina, Laguna de la Cuba, and Lago de Guija.

The country in general is divided into three zones: the hot, the temperate, and the cold. The *first* is along the coast, extending to about 3,000 feet in height; the *temperate*, that of all the plateaus between 3,000 and 6,000 feet, contains the greater portion of the population; and the *cold*, above the latter height.

The seasons are two: the wet extending from May to November, and the dry during the remainder of the year. The range of temperature throughout the year is not over 17 degrees. On the Pacific side there is less rain than on the Atlantic, but the streams become torrents everywhere during the rainy season. The climate, except along the coast, is healthful, and the soil is rich in all tropical productions. The precious metals are found in abundance and many other ores occur. All our sugar, coffee, chocolate, rice, India rubber, etc., should come from Central America.

GUATEMALA.

The largest part of Guatemala consists of an elevated table-land, a continuation of the plateau of Yucatan, and whose mean altitude is about 5,000 feet. The climate of the elevated region is very agreeable; along the coast it is hot and moist.

This State is very rich in resources, which as yet have been little developed; gold, silver, coal, iron, lead, and marble are found. There are upwards of one hundred kinds of timber trees. Other products are coffee, cochineal, maize, frijoles, rice, wheat, indigo, cocoa, sarsaparilla, tobacco, sugar, vanilla, chile, and many fruits.

The rain-fall on the coast is about 150 inches during the rainy season.

Santo Tomas is one of the best ports of Central America, affording anchorage close to shore for large ships.

An excellent idea of the topography of this country can be obtained from the map in the report of the French expedition of 1868. The table-land is intersected by deep valleys running in various directions.

The greater population is on the table-land, because the coast is so unhealthy. The entire population is about 1,400,000, of which 59,039 are in the city of Guatemala, 20,000 in Antigua, 25,000 in Quezaltenango, etc.

Guatemala has a good system of roads; stages ply between Guatemala City, Antigua, and Quezaltenango, but travel across the country from east to west must be carried on by saddle.

The coal, which is bituminous and very rich, is found in the department of Izabal.

RAILWAYS.

Champerico and Northern, from Champerico to Retalhuleu, 27 miles, opened July, 1883, projected to San Felipe, 16 miles farther. It has recently been purchased by native capitalists. The total amount of coffee moved by this road in the year ending June 30, 1887, was 16,873 tons. The imports carried were 3,015 tons. In volume 27, Consular Reports, United States, page 262, will be found a complete description of this road. The gauge is 3 feet, with maximum grades of 3 per cent. and minimum curvature of 4 degrees.

Ferro-carril del Norte de Guatemala, projected from Puerto Barrios to Guatemala City, 185 miles; 4 miles were constructed from Santo Tomas in 1883. The Guatemalan Government has recently entered into a contract with M. Henri Louis Felix Cottu for a loan of $21,312,500, for the construction of a railway from Guatemala City to Santo Tomas, about 185 miles, and agreement on the part of Mr. Cottu to transfer the Guatemala Central Railroad to the Republic of Guatemala. This contract also calls for

the building of a wharf at Santo Tomas; the total cost of road and wharf is fixed at $10,000,000. Surveys are to be commenced in six months, and the construction in one year. A copy of the contract is issued by the Bureau of Statistics, State Department.

Guatemala Central, from San José to Guatemala City, 71.8 miles. Gauge, 1 meter; maximum grade, 4½ per cent. This line is subsidized by the Guatemalan Government to the extent of $100,000 per annum for twenty-five years. The completed road was opened in September, 1884. It is thoroughly built and well ballasted. The cross-ties are partly native wood and partly California redwood.

A branch to La Antigua is projected. The total cost of the completed line was $2,500,000. The highest elevation reached is 5,010 feet.

It is reported that this road has recently been purchased by American capitalists, along with the franchise previously obtained by Mr. Cottu.

Surveys are in progress for a railway to run from Guatemala City to a connection with the Mexican Pacific Railroad at the Mexican border.

The railroad system of Guatemala includes two short lines of track—one of them reaching from San José, the principal Pacific port, to the capital, 72 miles, and the other from Champerico, a few leagues northward, to the coffee plantations of the interior, about 22 miles. Both are useful factors in the development of the country; but more important to the commercial interests of the United States is the proposed line which is intended to connect Port Barrios, on the Caribbean Sea, with the capital and the Pacific, thus shortening the transportation distance from Guatemala to the trade centers of our own country by several thousand miles. This railroad has been contemplated for many years, and a liberal concession was made by the Government to citizens of the United States for its construction; but the grantees after several extensions of their privilege, have finally abandoned the project, and the Government is doing a small amount of work upon it without much encouragement for its completion. Labor is scarce on the Atlantic side of the continent and the climate is very severe; few laborers being able to endure the miasm which constantly arises from the jungles along the coast. Last fall several ship-loads of white and colored laborers were imported from New Orleans to do the grading, but the experiment was disastrous, resulting in a frightful amount of disease and mortality, so that the United States consul-general was obliged to appeal to the Government for a naval vessel to carry the sick back to their homes. But the present engineer-in-chief states that a recent acquisition of negroes experienced in railroad building has been found very efficient and the laborers have very good health. The importance of the line to American commerce leads to the hope that all obstacles to its speedy completion will be removed.

The country along the Atlantic coast is rich in tropical vegetation, and would be rapidly developed if means of transportation were afforded; but the difficulties already encountered make the outlook somewhat discouraging.

The railroad from San José to Guatemala City has been in progress of construction for five years; the concession being originally granted to a native by whom it was transferred to General Butterfield, of New York. The latter completed the line as far as Escuintla, a town 25 miles from the coast, which has long been the center of a large, thickly settled and finely cultivated area, producing valuable crops of coffee, sugar, cocoa, cotton, and other tropical products. There are 500 miles of wagon-roads reaching Escuintla, and the town has always been a market of great importance.

General Butterfield abandoned the railroad at this point, when its completion was undertaken by a syndicate of capitalists from the Pacific coast, who laid the last rail and opened it to commerce in August, 1884. Although constructed through a mountainous country, with an average grade of 4 per cent., the road will compare well with any narrow-gauge line in the world, and is probably the best in Central America. It is laid with steel rails upon hard-wood ties, many of which were imported; is firmly ballasted, and its many bridges were constructed with regard to permanence and safety. The equipment of the road appears to be amply sufficient, its station-houses are commodious structures built upon modern plans; its management is courteous, liberal, and enterprising, and this institution, most important to the commercial welfare of Guatemala, is in all respects a credit to the Republic and the citizens of California, whose energy and capital carried it through. By giving as low rates of freight as the cost of construction will permit, and by a studious regard for the interests of their shippers the managers of this road have done much to facilitate commerce and cheapen the cost of imported goods.

The other railroad from Champerico to Retalhuleu has brought life in a similar manner to a valuable section of the country, and has very largely increased the productive area of the department through which it runs. This road was also constructed by the citizens of the United States and has proved remunerative to its own-

era. The port of Champerico has the largest export of coffee in Central America, but the importation at San José is greatly in excess.

It is a plan to extend the Champerico Railroad farther into the interior, and a few years will probably see it done. In this connection it may be stated that the extension of the Mexican system of roads into Central America is by no means a difficult or impracticable scheme. The commission has taken pains to secure the information of the character of the country to be traversed, the difficulties and expenses of construction, the probable result such a road would bring to commerce, and is strongly of the opinion that such an undertaking, even if it were carried as far as the Isthmus of Panama, would result in ultimate benefit, not only to the communities through which it would pass, but to the commercial interests of the United States. (Report of South American Commission, page 182.)

First, we discussed a road from Livingston to Coban, to open the coffee region; and as we were fresh from the very route, we tackled the problem unhesitatingly. The road, we decided, should run up the coast towards Cocali, turn through the forest 6 miles to Chocon, crossing the Chocon River on a single span, then over the smaller Rio Cienega and along the north shore of the Lago de Izabal, then a little to the northward of the Rio Polochic, bridging the Cahabon near the limestone ledges east of Pansa, thence through Teleman, and by nearly the cart-road route to Coban. Perhaps 125 or 130 miles in all, of single track, would result in quadrupling the coffee export of Guatemala. It would then be profitable to raise more of the delicious oranges of Teleman, oranges such as Florida can never raise; the mahogany of the Cienega and Chocon could be marketed; and all Alta Verapaz be a plantation of coffee and fruits. More than this, the road would pay from the first through train. Before us on the west coast was the sugar and cacao region—that land that produces the royal chocolate, which outside barbarians never get, but which might be raised very extensively from Soconusco eastward if a railroad should be built over the level lands from Escuintla to Retalhulen, and Ocós. A road from Guatemala City through Salamá to Coban would not only open the rich sugar estate of San Geronimo, but connect the capital with the Mexican system, which will probably go to Coban eventually. At Belize the English are trying to build a road inland to Peten to open the logwood and mahogany forests, and they need a road along the coast to open the settlements that now have no outlet save by water. A hundred and forty miles at the outside would connect Belize with Livingston. The roads in Honduras will extend between Trujillo and Puerto Barrios, there connecting with the Northern Railroad of Guatemala. Not one of these projected lines presents any very difficult engineering problems. The financial question is the only obstacle; and with the exception of the first two—both coast roads, and of simple construction—they would not pay for a few years. (Brigham's Guatemala, page 168.)

HONDURAS.*

This is the third Republic of Central America, and its resources are almost wholly undeveloped. The vast plains of Comayagua and Olancho are covered with excellent grass, and pasture large herds of cattle. The forests, which occupy much of the Atlantic coast region and the lower mountain slopes, abound in mahogany, rosewood, cedar, etc. In mineral wealth Honduras easily outranks all her sister Republics. Silver ores are exceedingly abundant, chiefly on the Pacific slopes. Gold washings occur in Olancho, antimony, tin, and zinc have been reported.

Of the cities one of the most important is Tegucigalpa, the capital, in the midst of a plain 3,000 feet above the sea and surrounded by a mining region. Its population is about 12,000. The population of Comayagua is 10,000.

Puerto Cortes has a good port, and the Gulf of Fonseca is an excellent harbor, the finest on the Pacific coast of Central America.

RAILWAYS IN HONDURAS.

A narrow-gauge railway extends from Puerto Cortes to San Pedro Sula, 69 miles, but is operated only to St. Jago, 37 miles, the remaining 32 miles being useless, because of the destruction of an iron bridge over the Chamelicon River. It was originally projected to the Gulf of Fonseca (Amapala), under the name of the *Honduras*

* The land laws of Honduras are given in the Consular Reports of United States, No. 105, page 158.

Railway, and was to be about 200 miles long, with a maximum elevation near the center of 2,850 feet. The present line has a traffic of about $1,250 a month.

The *Honduras Central* is projected from Truxillo to Jutecalpa, 200 miles, and thence to the Gulf of Fonseca. The concession is owned by a New York syndicate.

In July, 1884, the *Honduras North Coast Railway and Improvement Company* received a concession accompanied by a land grant, estimated at 1,000,000 acres, for a line from Truxillo to Puerto Cortes, about 150 miles, with power to extend to the Guatemala boundary line. The gauge is 3 feet; the construction began July 8, 1885.

The *Truxillo and Roman River Railway* is projected from Truxillo to Roman River, 20 miles, with power to extend up the Arenal Valley.

HONDURAS INTEROCEANIC RAILWAY.

One of the great questions of the time is that of effecting interoceanic communication across the American Isthmus, and thus opening to the world the most important highway for the trade and commerce of all countries. This vast problem has not only occupied the attention of our time, but it has also occupied the attention of the past. King Philip II, of Spain, with all the wealth of the Indies at his command, sought, but failed, to accomplish this great work; and its importance to the world was known and discussed long before that early period.

One of the possibly practical solutions of the great problem is, it seems, about to be undertaken by the construction of a railway across the Republic of Honduras, from Puerto Cortes on the Atlantic to Amapala on the Pacific. An English syndicate during last year obtained a concession to build this interoceanic railroad, and organized in London with the title, capital, conditions, and objects, so succinctly set forth in the following notice published in the Financial News, of London:

"*Honduras Railway Company, limited.*—Registered by Johnson, Budd & Johnson, 100 Winchester House, E C. The capital of the company is £8,000,000, divided into 200,000 shares of £12 each, and 72,000 shares of £50 each, which are created to enable effect to be given to clause 3 of the memorandum of association, and into 20,000 of £100, with power to issue any of the 20,000 shares of £100 each, and any new shares upon such terms as to preference or otherwise, as the company in general meeting may direct. The objects for which the company is established are to acquire, complete, construct, maintain, and work a railway or railways across the territory of Honduras, from Puerto Cortes, on the Atlantic, to some point in the Gulf of Fonseca on the Pacific, and all or any modification of those works, and all such railways or other works as may be authorized by any concession or decree of the Republic of Honduras authorizing the execution of any railway, or railways, or public work in the said Republic, and to develop traffic or operations thereon or in connection therewith; to acquire the concession or any interest in the concession for the said railway or railways, or any other concession or concessions for railways or public works in the Republic of Honduras which the company may decide to acquire, and to accept any liability; to offer to the holders of bonds of the Republic of Honduras ordinary shares of the company, fully paid up, in exchange for and against delivery and transfer to the company of such bonds, and also to purchase and otherwise acquire any railways or other works in Honduras which shall at the time of such purchase or acquisition have been wholly or partially constructed; to acquire, complete, construct, maintain, and work any roads or lines of telegraphs, docks, wharves, quays, jetties, warehouses, telegraphs, buildings, or operations of navigation or mining, or other operations authorized or demanded by any such concession or concessions as aforesaid, or which it shall be deemed advantageous or convenient to establish or work in connection with what shall be so authorized or demanded, and generally to do such acts and things, the doing of which shall be within the scope or be deemed calculated to develop the advantages of any such concession or concessions."

This venture had so faltered and wavered and even failed, until the stipulated time had expired, that it engendered a general belief that the concession, like many others, would prove a fiasco. But extension of time was obtained, and the syndicate sent a corps of engineers to make examinations, which are now concluded; and the chief of engineers, Mr. Lee Smith, remained here at the capital until last month arranging with the Government, to his satisfaction, some minor details, and he is now going away, leaving the assurance that the road will be completed within three years.

What a pity this great work will not owe its completion, as it does its design, to American genius and enterprise. If our people are to lose by failing to grasp the importance of the enterprise, it is not the fault of their Government or representatives here, for all necessary information thereon was given years ago by Mr. E. G. Squiers, who was then our chargé d'affaires in Honduras, and who designed this road and

published to the world its superior advantages over all others for a transisthmian railway. In addition to the foregoing published and public facts, I have done my best to draw the attention of our railroad capitalists to the urgent need of transportation facilities in this country and to profits from investments for railroads. Mr. Squiers has perhaps given this subject more study and investigation than any other person, and he estimated the cost of the road to be not necessarily more than $7,000,000, and that the road would pay for itself within the first four years. If this is anything near the truth, some of our capitalists will regret that they have let the opportunity slip of building this road, as it would not only have increased their fortunes, but would have gained them the title of public benefactors and the gratitude of the people of this Republic, where the want of railroad enterprise is so severely felt and the help of capitalists so much needed and sought.

When it is considered how this important question of interoceanic communication has been so long and continuously agitated, it is not a little surprising that there has never yet been but one way actually constructed, and that the little railroad crossing at Panama, and especially since the advantages of the Honduras route have been made so clearly evident. The Panama road cost twice as much per mile as Squiers's estimate of the cost per mile of the Honduras road, and yet it is certain that the Panama road has yielded rich returns for the capital invested. The Honduras route will be not only cheaper in construction, but cheaper in operation. It has better ports, easier facilities for embarkation and debarkation, better sources of supply, a healthier climate, and is shorter in distance and in time between the great commercial centers of the world.

As it is now probable that the road will be built under the aforesaid concession, I herewith forward official copy of the same, but without translation. Its most noteworthy feature is the vast amount of land it grants, thus enabling the syndicate to establish a large British colony in Spanish Honduras, which was done in what is now known as British Honduras, and which resulted in making the latter a dependency of Great Britain. It is not likely that this country can ever be made a dependency of the British Government either as a protegé, as Cromwell so early extended his British protectorate over that part of old Yucatan now known as British Honduras, or as a part of the present colonial system of England. (Report of Consul Herring, Tegucigalpa, November 25, 1888.)

TRANSPORTATION IN HONDURAS.

Progress in Honduras, not only commercially but in every way, is greatly retarded by lack of facilities for transportation. To remedy this difficulty the Government has been carrying on a work designed to give this Republic a complete system of good wagon-roads. The first link in this chain of communication—a broad, smooth road of easy grades—was completed two years ago. It connects Tegucigalpa, a city of about 12,000 inhabitants, with the ports on the Bay of Fonseca, some 90 miles away, and there with the vessels of the Pacific Mail Steam-ship Company, which regularly ply between San Francisco and Panama. This road is of great benefit to the trade of Tegucigalpa, the capital of the Republic, as it affords for the first time within the period of modern history means for comparatively easy and cheap transportation of goods from abroad, and of the produce for which these goods are exchanged. Soon after this road was finished another was constructed, connecting Tegucigalpa with the mining camps of the mineral district of Yuscaran, 45 miles distant. Over this new highway the mining companies have hauled large and heavy castings, which could not have been carried over the old trails at a cost within the bounds of reason. Within the last year another wagon-road has been completed from Tegucigalpa to the rich Rosario mine, at Sanjuancito, a distance of over 20 miles. And, by the way, a telephone line from Sanjuancito, via Tegucigalpa, to San Lorenzo, on the coast, near Amapala, is just finished by the enterprising Americans owning the Rosario mine. Within the last year another wagon-road has been constructed by Capt. F. M. Imboden, an American, who built the two first mentioned. This road extends from Tegucigalpa to the city of Comayagua, which was long the capital of the Republic, and is now, of all towns in the country, only second in size to Tegucigalpa, and is two days' journey away. The intention is to continue this road through the valleys of Comayagua, Espinal, and Sulaco to the terminus of the railroad, at San Pedro Sula, 37 miles south of Puerto Cortes, on the north coast. This road is of the highest importance.

As far back as 1539, when this country was under Spanish rule, the governor of Honduras addressed a letter to the then Emperor of Spain advising the construction of a road over this same way to the Bay of Fonseca and representing that this was the best route that could be obtained for the transportation of goods and persons from Spain to Peru and other points on the Pacific Ocean. Most of the correspondence with people in the United States and Europe, with British Honduras and the West Indies, passes over this route; and many, if not most, of the visitors from the

United States to the seat of government here come by way of this road, through Comayagua. One reason for this is found in the fact that the only steamers making trips regularly, on fixed dates, between the United States and the north coast of Honduras run from New Orleans and Puerto Cortes. Another reason is that this route to the north, via Comayagua and Puerto Cortes, is much cheaper and more direct than is any other between Tegucigalpa and points in the States east of the Mississippi or in Europe. Mail from central cities of the United States, as Chicago, St. Louis, or Cincinnati, reaches Tegucigalpa in sixteen to twenty days if sent by way of New Orleans and Puerto Cortes, while that sent from New York or San Francisco requires from twenty-one to twenty-six for its transmission.

It will be seen that this road to Comayagua forms a link in what will be a chain of roads reaching from Puerto Cortes on the north coast, and only 900 miles from New Orleans, to La Brea on the south, some 1,670 miles south of the latitude of San Francisco. Connected with lateral branches to be made through the large and fertile valleys of the Salaco, of the Chamilicon, and the Santa Barbara Rivers, this system will not only afford comparatively easy and quick communication between Atlantic and Pacific ports, but it will also furnish an outlet for the products of three great valleys and of the countless fertile mesas and hill-sides and valley farms, naturally tributary to the large valleys.

From Comayagua to Puerto Cortes the road follows the lines selected, after careful survey by American engineers, as a route for an interoceanic railway from Puerto Cortes to Fonseca Bay. From Comayagua to Tegucigalpa the road is a departure from the proposed railway route, but it is evident that there would be little difficulty in constructing a railway where a wagon road of easy grades and curves has been made. Honduraneans and Americans having interests in this country are anxious for this railway to be built. The Government has offered most liberal terms to several parties who have proposed to build such a road. Several contracts have been made for that purpose, but so far nothing has been done in its construction since the completion of the short road of 37 miles from Puerto Cortes to San Pedro, and this is yet the only railroad in this country. The greatest obstacle in the way of this much desired interoceanic railroad is a contract that was made for its construction many years ago with an English company who built the 37 miles of road referred to and then abandoned the work, leaving the Government bound for a large debt of bonds issued for the company in the hope that the entire road would be completed under the contract. This railroad debt amounted, with interest, to $32,500,000 in July, 1875, and no part of it has since been paid, and the interest on it has been accumulating at the rate of 10 per cent. per annum. It is believed that this debt is now bought up and held by a few capitalists, principally in London and Paris, and could be compromised or adjusted on very easy terms to be paid at a small per cent. of the face value of the bonds. At any rate, until this obstacle is in some way removed, there seems to be no cause to hope for the construction of this great highway, the advantages of which to Honduras, and, as a transisthmian route, to the whole world, have been clearly made known by Mr. E. G. Squiers, formerly United States chargé d'affaires to Honduras.—(Consul Herring, Tegucigalpa, Honduras, June, 1889.)

MINING INDUSTRY OF HONDURAS.

The interest and activity of gold and silver mining have been rapidly on the increase since the last report on the subject from this consulate. In the twelve months preceding this there have been denounced* under the mining laws more veins than any four years of the past. There is no record yet compiled, nor likely to be for a year, showing the number of mines so denounced, but I am assured by the chief of the mining bureau that this number may be safely put down as not less than one thousand. This shows a notably confidence of this people in the future mineral wealth of their country. The denouncements are mostly made by the natives. Foreigners usually ask for concessions from the supreme Government. At the last report there were not over thirty stamps in operation, now there are over a hundred. Within the last twelve months the Rosario mine, at San Juanito, has declared its first dividend. It is the pioneer of about a dozen of non-active American companies, and is the first and only one of them that has paid a dividend up to date.

Since last report the Government has created a mining bureau, which may be addressed by any one abroad desiring information upon the minerals or mining industry of the country. There has been established an assay office, which is attached to this bureau, and in which are kept for public exhibition and for study and reference a collection of many specimens of geological and mineralogical formations of the country. There are also now a government geologist and an inspector-general of mines. And, furthermore, there is in contemplation a national school of mines, which will perhaps be in operation some time during the coming year. Such facts

*To denounce mines in Honduras means to take up or enter.

show that the Government as well as the people have a growing faith in the mineral resources of the country. Keeping pace with this increasing interest in mineral development, a Honduras mining syndicate was formed at Tegucigalpa in June last for the purpose of buying and selling mineral properties, exploring and working old veins, and discovering new ones.

Although the mining industry as operated under the modern system of improved machinery is but in its infancy in Honduras, yet recent evidences of the power it is destined to wield in the development of this country are seen in mines that have been raised into most valuable properties since its introduction. It is gratifying to add that most, and perhaps all, of such improved machinery comes from the United States, and the increasing demand for the same will doubtless continue to be supplied by the manufacturers of our country.

No doubt what are thought to be the best of the old mines are already taken up, but there are still other good mines that may be denounced under the mining laws, purchased reasonably, or a controlling interest obtained in same by simply placing the necessary machinery upon the grounds. There are also many mines of low-grade ores which can not now be successfully worked, and command but little if any attention, which will be gladly seized upon when transportation facilities become as they should, and, therefore, as they will be, and especially since exceedingly low-grade ores, worth far less than these, can be successfully worked.

Whether these mines are as valuable as those in the United States or not, it may, nevertheless, be safely stated that they are cheaper in proportion to the real richness of the ores. And for this reason, with the increasing facilities for transportation (now so very much needed), the hope is not without its foundation that there is to be a continual and healthy growth of the mining industry in Honduras. Of course, there may be expected the usual failures, resulting from mistakes in the selection of mines, and from mismanagement or dishonesty or both, in the home or foreign office. There are yet old inhabitants, who worked these mines under the Spaniards, who will testify to the rich quality and abundant quantity of the ores. Even one who knows absolutely nothing about mines, mining, or miners, but can weigh properly the credibility of testimony, must conclude that tradition is wholly unreliable, and that history, moreover, has been most unreasonably and unwarrantably falsified, or else these mines are well worth the attention of the capitalists of the world. If the testimony of living witnesses, if the traditions and the written history of the past are worthy of belief, the Spaniards and the Spanish Government have derived immense fortunes and revenues from these same mines of Honduras, and this, too, without the aid of the great improvement in the mining machinery of modern times. But if these mines were so valuable formerly, why is it that they have not produced more bullion and declared more dividends of late years? It is because in the great revolution of 1821, when this people threw off the yoke of Spain and drove its dominions from their borders, there also went with the Spaniards, who left the country, the most of the intelligence and capital that had been directing and was necessary to direct these mining operations. Since then the mines, until lately, have been falling into obscurity.

There was no effort on the part of the Government to advertise its mineral resources. Whether from a fear that the wealth of their mines would attract the cupidity of some other nation that would come and again reduce them to slavery, or from a desire to preserve the mines exclusively for Honduran enterprise, is unnecessary to state. There was, however, as was very natural, a strong prejudice against foreigners. Laws were enacted preventing them from acquiring or holding property. Under these circumstances it is not strange or irreconcilable with the intrinsic value of the mines that they had fallen almost, if not quite, into forgetfulness by enterprising capitalists abroad, especially as the rich mines of the United States, Mexico, and other countries were more fairly and freely open to the competition of the world. Nor is this all. Not only was foreign enterprise excluded from the country, but the natives themselves could not properly work the mines on account of the incessant wars and rumors of wars, even had they otherwise all the necessary means. It is easily understood that without peace, and uninterrupted peace, there can be no such thing as large and successful mining operations. It was only during the administration preceding that of the present chief executive that the prejudicial laws referred to were repealed. But now they have given place to foreigners. Not only have the laws improved towards foreigners, but also the minds and hearts of the people, to the extent that enterprising capitalists from abroad are now more than welcome; they are gladly received, both by the Government and by the people. As peace is prolonged the prospects brighten for the opening up of good roads.

The climate is always both healthy and comfortable in the mining regions. The water supply for mining is abundant, flowing six months of the year; but in the dry season there is a scarcity in some places. By an outlay of the necessary expenses, sometimes considerable, for flumes, etc., water sufficient for work the entire year may be brought to most places where it is needed. Wood is plentiful now, but

the time will likely come when it will be scarce in some of the mineral districts, and unfortunately, there has not yet been discovered sufficient coal or other fuel to take its place. For these reasons it is very necessary, when one wishes to purchase or locate a mine, to have a care, not alone for the richness of the ore, but also the water and their rights, privileges, and facilities.

There is no mining now of any minerals in Honduras except that of gold and silver. At this time Honduras is not the place for prospectors. There is no room here now for either American prospectors or mining tramps. In the first place, because the country is already thoroughly prospected, and even if it were not a poor prospector, single-handed and alone, can not compete with the rich Honduras syndicate before alluded to. And, moreover, though the natives have not the means to work their mines, they are, nevertheless, recognized as good prospectors, and they know the country and the mineral indications peculiar to the country, and they have had very long experience. Although their country may have been neglected or forgotten by capitalists and the outside world they themselves have never lost the best mines of the old Spaniards or ceased to hunt new veins. The native prospector, as well as the common miner, can live well on what an American would think starvation to him. They can live on 10 cents a day as comfortably to them as the average American can live on a dollar a day—ten times as much. Wages are very low. Not even the Chinaman can compete with the natives, and I, therefore, do not know a single Chinese laborer in the whole Republic. When skilled Americans are needed to direct the common labor they are usually contracted with in the States and brought here at the expense of the companies.—(Report by D. W. Herring, U. S. Consul, Tegucigalpa, October 31, 1888.)

SALVADOR.

This is the smallest and most populous of the Central American Republics, there being no less than sixty-three inhabitants to the square mile. The central part is an upland of a mean elevation of 2,000 feet above the sea, bounded on the Pacific slope by a chain of volcanic peaks, beyond which is a strip of lowland from 10 to 20 miles wide. The Gulf of Fonseca, 50 miles long and nearly 30 miles wide, is said to be the most beautiful harbor on the Pacific coast.

Mines of gold, silver, copper, lead, iron, and anthracite coal are found within the borders of Salvador. Some of the principal cities are Santa Ana, 25,000 inhabitants; Salvador, 16,327; Chinandega, San Miguel, etc.

RAILROADS IN SALVADOR.

In 1882 the first railway in the Republic was opened from *Acajutla to Sonsonate*, 15 miles, with 3-foot gauge. The Government guaranties an annual dividend of 12 per cent. This line is to be extended to Amate Marin over a distance of 80¾ miles. Work is progressing on a railroad from Amate Marin to the capital, which will be approximately 25 miles in length.

A line is projected to connect Santa Ana with Acajutla, in aid of which about $300,000 have been subscribed by native capitalists.

Another line is projected from *La Union to San Miguel*, and a company is being organized in London to build it.

A road is projected by the Government from the port of La Libertad to San Salvador.

The *Salvadore Central Railway* is projected from La Union, Gulf of Fonseca, to the Guatemala boundary line. The preliminary work has been completed. The Government has granted a subsidy of $10,000 and guaranties net earnings of $1,000. D. Butterfield is the concessionare.

A tramway 10½ miles in length is in operation between San Salvador and Santa Tecla; it was built by the Government at a cost of $200,000, but has recently been sold to F. Camacho, Guatemala.

In "Capitals of Spanish America," Mr. Curtis says that a road was spoken of to traverse the entire State in the interior valley parallel to the sea-coast, with branches to the important cities, and that the work was not considered either difficult or expensive.

Of these great highways of modern civilization there are but 35 miles in actual operation, with a few more in process of immediate construction and many more in the contemplation of the Government. This little line of road leading in the direction of the capital runs out from Acajutla, the extreme southwestern sea-port of Salvador to the village of Atios. This point has but recently been reached and a depot established.

Although there have been many concessions or grants made by the Government to parties to construct railroads through sections of its territory, it seems that the peculiarly rugged topography of the country has hitherto interposed insuperable obstacles to the consummation of their plans and purposes. The Government, however, being the proprietor of a section of this road and of a large interest in that over which it does not exercise exclusive supervision with the reserved right to purchase at will, appreciating the needs of its people and the advantages of the prompt and rapid interchange of products and commodities, has set to work on its own account to extend this line of road to the capital, and the work is being executed under the supervision and direction of an enterprising American, Mr. Brannon.

It is contemplated by the Government to extend this road, when circumstances favor, through its entire length of territory, making La Union, which is one of the finest harbors on the Pacific, at the base of the great mineral district of San Miguel, its other terminus. In the meanwhile the road will have traversed one of the richest mining and agricultural districts (now almost unexplored) in all Central America. When this work shall have been accomplished, in connection with the prospective construction of the Nicaragua Canal, a new era will dawn upon this corner of the Western Hemisphere. (Report by Thomas T. Tunstall, U. S. consul, San Salvador, July 4, 1889.)

NICARAGUA.

Nicaragua is distinguished from the other Central American countries by its lower level and the great lake, which offers so inviting a route for an interoceanic canal. Geologically, Nicaragua is no less rich than Honduras.

The only port on the Caribbean Sea is San Juan del Norte, and this is not a very good one; the Pacific coast is bold and rocky, but has the convenient harbors San Juan del Sur, Brito, and Realejo.

Among the cities are Managua, 1,800; Granada, 16,000; Leon, 25,000; Rivas, 10,000; Chinandega, 11,000; Libertad, 5,000; Matagalpa, 9,000; Ocotar, 3,000; Greytown, 1,512; Blewfields, 1,000.

At Rivas the annual rain-fall is about 102 inches; elsewhere the summer rain-fall is about 90 inches, and in the winter less than 10 inches. The mean annual temperature is about 80° Fah., falling to 70° at night and rising to 90° in the hottest weather. This does not refer to the highlands.

RAILWAYS.

The only railway in operation consists of two sections, the first from *Corinto to Momotombo* (Lake Managua), 58 miles, begun in 1879 and completed December, 1883; the second from *Managua to Granada* (Lake Nicaragua), 32 miles, opened March 1, 1886, and of 3 feet 6 inches gauge. Connection is made between these two sections by steam-boats on Lake Managua, owned by private parties, and which are soon to be replaced by boats owned by the Government.

The road is owned by the Government and operated under the general direction of the minister of public works. In 1888 the cost of maintenance was 55 per cent of the gross earnings.

A railway has been projected by the Government from San Juan del Sur via Rivas to San Jorge, on Lake Nicaragua, but no work has yet been done.

A branch from Chinandega to El Viejo, about 19 miles, has been surveyed and located. Another Government survey is in progress for a line to connect the City of Matagalpa with some point on the east side of Lake Managua.

A concession for a railway connecting the City of Matagalpa with the east-coast at the mouth of the Ramos River has been granted by the Government to Don Pedro Ramirez, of Managua, who has sold it to English capitalists. The road is to be 90 miles long, and will tap the rich mining region of Acoyapa and La Libertad.

COSTA RICA.

The Atlantic coast is low and covered by dense forests, while the Pacific slope is characterized by wide savanas or llanuras. Between these borders are high volcanoes and an elevated table-land 3,000 to 4,000 feet above the sea, the latter almost the only cultivated land in the State. The forests are largely composed of valuable trees—mahogany, ebony, brazil-wood, and oak.

The range of mountains called the Cordillera of the Andes passes through the country from southeast to northwest, and is divided into several systems, separated by the valleys of the Reventazon and the Rio Grande. The first system forms two groups, one from the northwest boundary southeast to Mount Aguacate; the other consists of Mounts Poas, Barba, and Irazu. A large plain covers the northeastern part of the Republic, through which the San Carlos and Sarapiqui wind their way to the San Juan, and the Rio Frio and many smaller streams to Lake Nicaragua. Mr. Paul Biolley says: "This region is even to-day almost unexplored."

The San Carlos River is navigable 20 leagues inland from its mouth at the San Juan. The latter river forms a portion of the northern boundary of the State.

During the rainy season the rivers become torrents, especially on the Atlantic side. Several rivers of the northern slope present this peculiarity, that while their left banks are formed of dry lands free from marshes, their right banks present a succession of lagoons and localities frequently inundated, rendering them often unhealthful.

The hot lands extend to 3,000 feet above the sea, the Pacific side being the hotter. Above this height the climate is temperate. On the coast the mean temperature is from 20° to 26° centigrade, and on the highlands from 14° to 20°, corresponding to 57°, 68° and 79° Fahr.

Besides gold, the principal metals whose existence has been established beyond doubt in Costa Rica, but which have not been exploited, are, iron in abundance, copper, argentiferous lead, and quicksilver. Among other mineral products are sulphur, kaolin, lignite, limestone, marble, gypsum, alum, and mineral waters.

The exports of this country are coffee, dye and cabinet woods, bananas, and other fruits, hides, mother-of-pearl, sarsaparilla, cocoa-nuts, India rubber, etc. The principal imports are cotton goods, hardware, and provisions.

The principal ports are Limon on the Atlantic, and Punta Arenas on the Pacific, the direct distance between them being 102 or 103 geographical miles.

The population of the provinces of Costa Rica are, San Jose, 64,000; Alajuela, 51,000; Cartago, 34,000; Heredia, 29,000; Guanacaste, 16,000; Punta Arenas, 8,500; Limon, 2,000; containing the important cities of San José, 15,000; Cartago, 10,000; Heredia, 9,000; Alajuela, 6,000; Punta Arenas, 1,800.

HIGHWAYS.

From Cartago to Punta Arenas there is a fine highway, which is very uneven at the summit of Mount Aguacate, where it has an altitude of about 4,132 feet above sea level. It passes through Alajuela, Atenas, San Mateo, and Esparta, the total length being about 50 miles, owing to the circuitous route necessary to climb the elevations. Another important highway runs from San José, in the direction of La Palma; it crosses that height at 5,000 feet and then decends to Carillo 1,400 feet. In the 17½ miles separating these two places, the road overcomes 3,600 feet of elevation. The road to Nicaragua begins at La Barranca, near Esparta, and crosses the province of Guanacaste 90 or 100 miles; it is bad in the rainy season because the even surface retains the water. Starting from Candelaria, south of San José and partly following the Pacific coast, there is a bridle path through Terraba and Boruca, ending on the Colombian frontier. A path starts from Angostura east of Cartago and leads to Talamanca.

The general traffic at the ports of the republic, imports and exports, can be taken

at 66,500 tons, and the traffic of the interior at 40,700 tons. About 50,000 tons of the general traffic are carried by the Atlantic Railroad, and judging from the past this will probably increase 40 per cent in the next five years. The freight per ton by the railway is $17 American gold.

RAILWAYS.

The Government projected about 1870, an interoceanic line from Punta Limon to Punta Arenas, a distance of about 172 miles. Construction was begun in 1871, but three sections only were completed, as follows: From Punta Limon to Carrillo, 70 miles; Punta Arenas east to Esparta, 14 miles; and from Cartago west via San José to Alajuela, 26½ miles; the latter division was opened January 19, 1872, the others as completed. Total built, 110½ miles. The line up the Reventazon Valley to Cartago, 48 miles, is now being built by English capitalists represented by M. C. Keith, and is to be completed by January, 1890. The earnings on the completed road are over 10 per cent. on the invested capital. From Limon to Cartago is 95 miles. The distance from Carrillo to San José is about 28 miles, over a steep mountain cart road. Esparta is connected with Alajuela by a mountain cart road, a distance of 35 miles.

The Government has appropriated $25,000 for a final survey of the part between Alajuela and Esparta, and proposals have been received for its construction. It is also intended to build a branch to the Port of Tivives. Lately a concession has been granted to an English company to build from San José to Esparta, about 36 miles, and another from a point near Esparta northwestward through Guanacaste to the Nicaragua boundary.

Another railway has been the subject of study of late, to unite Lake Nicaragua at the outlet of the San Juan River, with Punta Limon, which is in the hands of the Costa Rica Railway Company (limited) represented by M. C. Keith. This new road will start from Jimenez (10° 10′ latitude and 83° 45′ longitude), on the Atlantic Railroad, taking a north northwest direction through a very rich country for timber and agriculture, crossing the Sarapiqui at El Muelle, thence northwest to the Frio River at its entrance into Nicaraguan territory, a distance of about 90 miles from Jimenez. This line, with part of the Atlantic Division, might form a portion of an intercontinental railway, Matina being probably the starting point southward.

An English syndicate has secured a concession to build a road paralleling the Nicaragua Canal.

The cost of constructing railways, judging from past experience, will be, complete, from $60,000 to $70,000 a mile in the worst situations.

RAILROADS IN COSTA RICA.

The railroads already completed in Costa Rica are—

(1) From *Port Limon to Carrillo*, 70 miles—Carrillo being connected with San José by a steep mountain cart-road, a distance of 28 miles.

(2) The road from *Cartago to Alajuela*, passing through San José and Heredia; total length, 25 miles.

(3) From *Punta Arenas to Esparta*, 12 miles, Esparta being connected with Alajuela by a mountain cart road, a distance of 35 miles.

To complete the connection with Port Limon there is now being constructed 50 miles of new road from Cartago to a point near Siquires, on the Reventazon River. This new road is about one-third done. According to the terms of the contract with Mr. Minor C. Keith (contractor), it should be completed August, 1889, but Mr. Keith has had many difficulties to contend with, and it is not probable that it will be completed before August, 1890. The road from Port Limon to Carrillo (No. 1), from Cartago to Alajuela (No. 2), and the new line from Cartago to Siquires, together with the wharf at Limon, have been transferred to and are owned by the Costa Rica Railway Company (limited), of London. The Government of Costa Rica also granted to said company 800,000 acres of unimproved lands. The Government now owns, however, one third of the stock of said company. The Government also owns and

operates the railroad from Punta Arena to Esparta (No. 3). To preserve the trade of California with Punta Arenas it is necessary that the road from Esparta be extended to the interior. Otherwise, when through connection is made with Port Limon, upon the completion of the missing link from Cartago, all trade will go by way of Port Limon. This is important to San Francisco, and her business men could well afford to obtain from the Government of Costa Rica the transfer of the line from Punta Arenas to Esparta, and extend the same to the interior. If, however, the Nicaragua Canal is to be opened, and it is found advisable to follow the line mapped out by Mr. Menocal in 1885, I consider it of utmost importance to the trade interests of the United States to secure a railroad charter from this Government to run said road from the valley of the San Carlos River to San José.

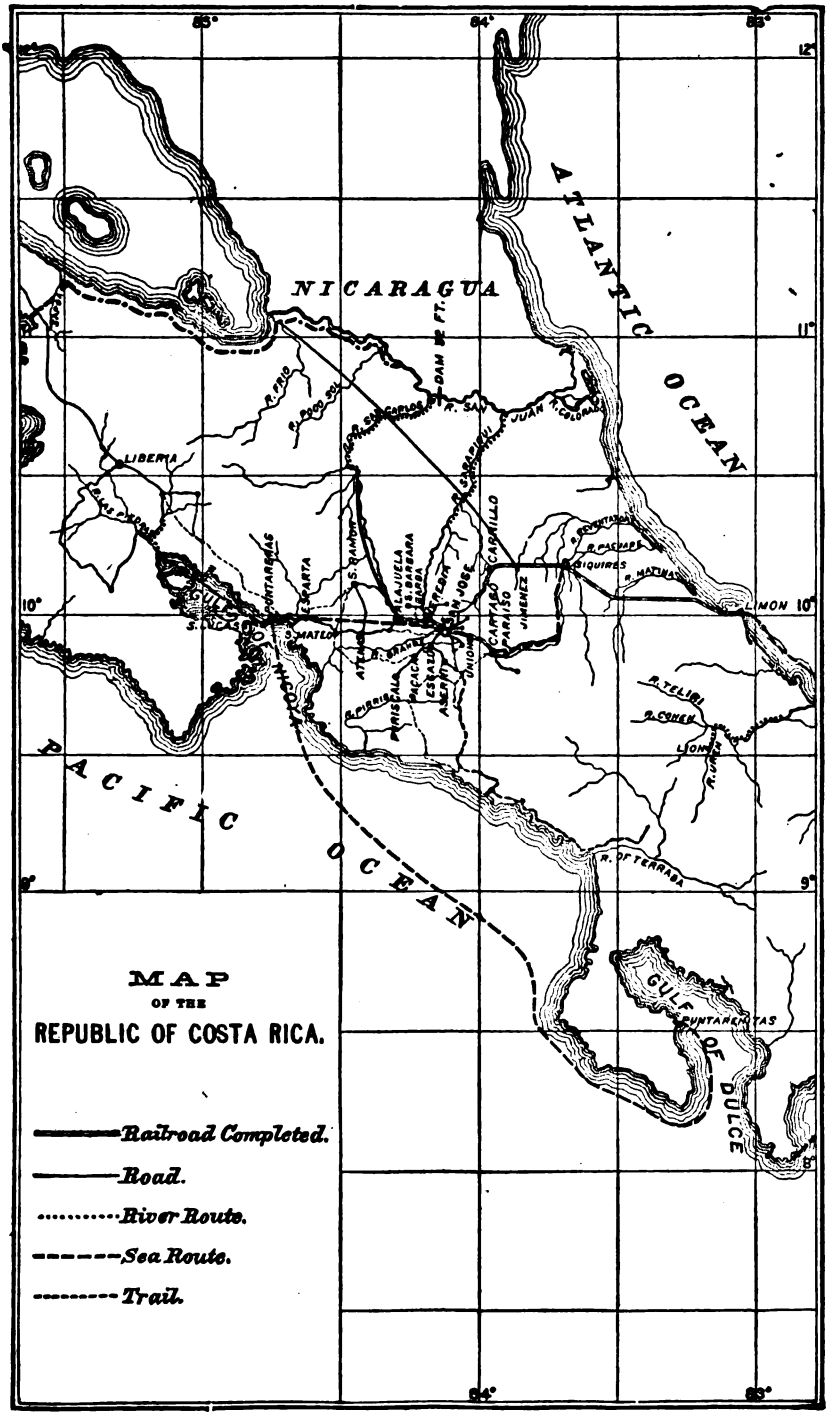
It is observed that Mr. Menocal (see page 26 of his report) proposes to build a dam 52 feet high at Ochoa, just below the point where the San Carlos empties into the San Juan River. The San Carlos is now navigable, I understand, by small boats to the "muelle" (wharf), some 30 miles. From this muelle to San José is some 60 or 70 miles. When the dam of 52 feet is built at Ochoa the San Carlos will be navigable much higher up. The San Carlos country is considered the finest section of Costa Rica. The lands are said to be of inexhaustible fertility and well adapted to the growth of bananas, cacao (chocolate bean), and cattle. At present there is no outlet to this section and it is undeveloped. A grant of lands along the railroad could be most probably obtained and would prove valuable, but, what I consider of far more importance, would give the trade of this country to the United States. The proposed road connecting with the canal would connect with steamers going both to ports on the Atlantic and on the Pacific. The aggregate exports and imports of Costa Rica last year (1887) were $11,000,000, of which the larger portion goes to and comes from Europe, and necessarily so when the ways of communication are owned in Europe. To illustrate: The freight on coffee per ton from Punta Arenas to New York is $26.40; to England, £3. From Limon to New York, $10; from Limon to England, £1 10s. It is also greater from Punta Arenas to San Francisco than to England, though I have not the exact figures. I think it very important to obtain this railroad charter to the San Carlos as soon as possible; otherwise it will be taken by an English company. Costa Rica is very anxious to have the canal on the route of Mr. Menocal's survey of 1885 rather than on the new line now being surveyed, and in making arrangements with her for the former route this railroad charter and grant could be secured on favorable terms. It may be that an effort will be made by English capital to secure this or some other railroad charter at the next Congress, which convenes in May. I have had some slight intimation that there is now a project on foot for a survey for a new railroad by an English company, but whether it is in connection with the grant of the 800,000 acres of land above referred to or another scheme I have not been able to learn.

I inclose a small map, upon which I have marked the road now being constructed from Cartago to Siquires, the proposed road from Esparta to San José, and from the muelle, on the San Carlos, to San José. (Report by J. Richard Wingfield, U. S. consul, San José, Costa Rica, March 30, 1888.)

RAILWAY SYSTEM OF CENTRAL AMERICA.

The late president, General Barrios, of Guatemala (as is President Menendez, of Salvador), was an earnest friend of the United States. Barrios, as does President Menendez, favored the assimilation of the institutions and business methods of his country to those of the United States. Barrios's ambition and the jealousy of his neighbors led to war with the little Republic of Salvador, which cost Guatemala a humiliating defeat and Barrios his life. Through his policy Americans were induced to invest in Guatemalan railways, banks, and coffee and sugar plantations. He projected and began the construction of a railway from the bay of San Tomas, on the Caribbean Sea, to his capital, Guatemala City, a distance of 150 miles, there to connect with the existing narrow gauge of the Guatemala Central, 75 miles in length, terminating on the Pacific at the open roadstead of San José. Forty miles of Barrios's transcontinental road, from Puerto Barrios to Guatemala City, were half finished when his untimely death occurred.

Barrios's worthy successor, the vigorous President Barrillos, pursues the policy of his predecessor, favoring the construction of the transisthmian and other railways projected in Guatemala, and notably of that designed to connect the capitals of Guatemala and Mexico. In truth, General Barrillos and other Central American statesmen have not failed to discover that no Central American Union is desirable which may be pinned together with bayonets, and none desirable and enduring can be achieved save through the intervention of perfect interstate railway systems.


MAP
OF THE
REPUBLIC OF COSTA RICA.
Railroad Completed.
Road.
River Route.
Sea Route.
Trail.
NICARAGUA
ATLANTIC OCEAN
PACIFIC OCEAN
GULF OF DULCE
LIBERIA
LIMON
SIQUIRES
CARRILLO
PARAISO
JIMENEZ
CARTAGO
SAN JOSE
ALAJUELA
ESPARTA
PUNTARENAS
S. MATEO
R. OF TERRABA
R. TELIRI
R. COHEN
R. MATINA
R. PACUARE
R. SAN JUAN
R. COLORADO
R. FRIO
R. POCO SOL
DAM 82 FT.
85°
84°
83°
12°
11°
10°
9°
8°

THE MESA OF SALVADOR.

Discovering, during a three days' sojourn at La Libertad, at the sea level in Salvador, how fatal to unacclimated persons was the breath of the sea at the very shore, drenched as it is each day by tides which leave heaps of shell and other fishes to rot instantly beneath the rays of the equatorial sun, and learning that Panama was thus made a grave-yard, because ships can not touch the shore and passengers must inhale yellow death through weary deadly days and nights while tugs and lighters discharge tedious tasks—seeing and learning this at La Libertad nearly two years ago, I sought a perfect harbor on the Pacific coast whence to extend a railway to another on the Atlantic. It is the foul breath of the sea-shore at the sea level at points unswept by winds from boundless seas that makes the word "Panama" the synonym of pestilence and death. To avoid detention at the sea-shore in hot latitudes ships must anchor at wharves within land-locked harbors whence passengers may be transferred instantly by railways to the mesa or elevated plateau from 2,000 to 3,000 feet above the sea level, and extending from one to the other ocean.

A CONFESSED FACT.

The Nicaragua Canal and the Ship Railway and De Lesseps Canal each and all are at the sea level. No soft, cooling wind from the Pacific may find its way into either canal or follow gigantic locomotives tugging at ships crossing Tehuantepec, and the acclimated alone may cross the continent in safety at the sea level; but there is perfect immunity from climatic diseases the instant the traveler reaches an elevation of 1,000 feet above the sea. Commerce, therefore, will traverse the ship railway and the canal; men and women will prefer this transisthmain railway, having a perfectly land-locked harbor at each terminus and an elevation at no point after leaving the coast of less than 2,000 feet above the plane of the two oceans.

WONDERS OF THE INTERIOR.

Eighty miles from the harbor of La Union, going north through the greatest length of Salvador, the traveler will rest at the fathomless lake of Ilopango, 25 miles long and 8 to 10 miles wide. Its tepid waters occupy craters of extinct volcanoes. In 1870, when Salvador was shaken violently by earthquakes, the water of the lake sank in the night 9 feet, and along its shores were gathered earthen vessels curiously colored, and images carved out of porphery, and others precisely like those at the museum at Washington taken from Egyptian tombs. A few miles southeast from the railway the ever-active volcano Izalco rises 6,000 feet, a perfect cone, from the plain about Armenia. The railway crosses the State of Santa Ana, a district of Salvador 50 miles square, producing, it is stated, more coffee than any equal area of land in the world. In truth, every acre of the *mesa* of Salvador is cultivated, each producing from two to four crops annually. The products are rice, tobacco, indigo, sea-island cotton, coffee, sugar, cocoa (chocolate), india rubber, and Peruvian gum—so called because it was originally sent from Salvador to Peru and thence to European markets. The railway penetrates from La Union to Puerto Barrios, or to Port Izabal, whichever harbor may be its northern terminus, a very paradise. The average density of population along the whole route exceeds 100 for each square mile. Here villages and towns are almost conterminous, and the population—Aztecs 92 per cent. and Spanish 8 per cent—toil most industriously. Labor costs 20 to 25 cents, and food 10 cents per diem. The thatch-roofed, floorless adobe huts of the natives (Aztecs) are the cheapest possible, and only useful in protecting the occupants against rain-storms of July, August, and September (the rainy season), when the country is flooded almost every day. There is not a stove or fire-place in any house in the Republic; none are needed where the thermometer never falls below 70 or rises above 80 degrees. So great is the annual production of fruits, as well as of indigo, tobacco, sugar, and coffee, and so short the distance from Port Barrios to Mobile, that it is believed that most delicate and delicious tropical fruits, never seen in the United States, will be distributed everywhere from Mobile; and so redundant are the crops of Salvador and of the districts of Guatemala penetrated by this railway, that it must have two tracks—one for immense local, the other for interoceanic, freights and travel.

POLITICAL RESULTS.

But the great good to be achieved by this transisthmian road consists not so much in the fact that it will enable traveling multitudes to cross the continent where narrowest, without possible danger from deadly fevers and plagues incident to detention at the sea-level, but with its branches, binding together these five Central American

States in perfect political and social unity, it accomplishes their perfect *commercial* annexation to the United States. Puerto Barrios is within fifty hours or less of Dauphin's Island wharves at Mobile, and only sixty hours would be required to transfer a traveler or bale of goods from Mobile to the Pacific coast harbor of La Union. United States and other steamers now pay from $20 to $30 a ton at La Union for English or Australian coal. It may be delivered there from Alabama, over the transisthmian railway, for from $5 to $7 a ton. Therefore, the Government of the United States as well as the people must confess keen interest in this short, easily-built railway, which surely must accomplish most beneficent political and commercial results.

AMERICANS PREFERRED.

After the plan of the transisthmian railway was conceived and the details published, and after applications were made for charters in Salvador and Guatemala, English and French bankers and capitalists sought much the same concessions; but the governments of Salvador and Guatemala both gave preference to the American applicant for these franchises. The Salvador charter conceded a monopoly for fifty years of the right of excess to the matchless harbor of La Union. The cost of a double-track road from La Union to Port Izabal, or Port Barrios, it is stated by engineers who have surveyed part and traversed the whole route of about 300 miles, will not exceed $35,000 a mile; there will not be a tunnel on the whole line, or a grade greater than 70 feet on any mile, and this only at each terminus, whence locomotives must climb, within 30 or 40 miles, to the mesa 2,000 feet above the sea.

The rapid multiplication of foundries, furnaces, and forges in Alabama and other Southern States induced the writer to seek, for the behoof of the commonwealth which is his home, an insatiable market for its products, to be found alone along the western shores of the three Americas. From every trading place of as many as two or three thousand inhabitants along this interminable coast a railway will soon lead to farms and villages of the interior. Twelve such railways are now building between the southern confines of Chili and California. If the transisthmian railway be speedily finished, the iron and coal and steel of England and Australia may be supplanted everywhere on the Pacific by that produced in the United States. (Report by L. J. Du Pre, U. S. Consul, San Salvador, December 13, 1887.)

BRITISH HONDURAS.

A road has been projected from Belize westward 90 miles to the frontier; from there it will probably go to Lake Peten.

SOUTH AMERICA.

It will be observed that the continent of South America has a general triangular shape. In the north a mountain system runs east and west; again we find the same thing farther south in Brazil. In the west is the great chain of the Andes traversing the entire continent from north to south. Leaving Patagonia, they enter Chili, rising higher and higher, until they culminate in the volcano Aconcagua. At the boundary of Bolivia, the chain turns to the northwest and separates into two, inclosing the table-land of the Desaguadero, a wonderful valley, having at one end Potosi, the highest city in the world, and at the other Cuzco; between them is Lake Titicaca, from which not a drop of water escapes except by evaporation. At Pasco a third cordillera is thrown off, and with a triple arrangement and a lower altitude the Andes enter the Republic of Ecuador, where the double line is resumed. Just above the equator one ridge is formed which then spreads out like a fan; one cordillera goes to the east, giving rise on its eastern slopes to the Orinoco and its tributaries, the central cordillera having the volcano of Tolima, soon loses itself in the Carribbean Sea, and the western turning to the left, with a much lower altitude traverses the isthmus, rises in altitude, and expands again to form the table-land of Mexico. The snow limit at the equator is 15,800 feet; at 27 degrees it is 13,800 feet, and at 33 degrees it is 12,780 feet. Twenty-two of the fifty-one volcanoes in the Andes have their summits covered with perpetual snow, and twenty encircle the valley of Quito.

The Andes almost stop the trade-winds (which are again felt at 150 miles from the coast), causing them to drop their moisture on the eastern slopes, and thus give rise to those great rivers, the Orinoco, the Amazon, and the La Plata, which, flowing eastward, almost quarter the continent.

Near Cerro de Pasco in a little lake, just below the limit of perpetual snow, and scarcely 60 miles from the Pacific rises the greatest river in the world. Flowing northerly 500 miles through a deep valley, it turns on reaching the frontier of Ecuador to the right and runs easterly 2,500 miles. At Tabatinga, 2,000 miles from its mouth, it is a mile and a half wide. So many and far-reaching are its tributaries that it touches every country of the continent except Chili and Patagonia. These tributaries communicate with each other by so many intersecting canals that Central Amazonia is a cluster of islands, and if a circle be drawn 1,600 miles in diameter it will include an ever green unbroken forest.

The Amazon really lies in a plain, for the slope from the mouth of the Napo to the ocean, in a direct line 1,800 miles, is but 1 foot in 5 miles. A fair conception of this will be obtained from an examination of the altitudes on the edges of this plain, bounded by the grassy plains of Veneznela, the chain of the Andes, and the table lands of Matto Grosso.

The Cassiquiare, a natural canal three-fourths of a mile wide, and with a portage of only two hours, connects the headwaters of the Orinoco and the Amazon.

Of the tributaries of the Amazon, the Putumayo and the Napo rise among the mountains of Colombia and Peru. The Pastassa rises in the valley of Quito and traverses a very steep course; the Maranon, or the main river, rises near Cerro de Pasco. The Huallaga comes from the Peruvian Andes at an elevation of 8,600 feet, and is navigable for steamers to the port of Moyobamba. Its mouth is a mile wide. Canoe

navigation begins at Tinga Maria, 300 miles from Lima. The fertile plain through which it flows is very attractive to an agriculturist.

The Ucayali originates near Cuzco. For 250 miles above its mouth it averages half a mile in width and has a current of 3 miles an hour; at Sarayacu it is 20 feet deep and it is navigable at least 100 miles. East of the Ucayali are six rivers rising in the unknown lands of northern Bolivia, of which the most important is the Purus, a deep, slow river over 1,000 miles long, open for navigation half way to its source.

The Madeira is about 2,000 miles in length. One branch, the Beni, rises near Lake Titicaca; another, the Marmoré, near Chiquisaca, within 15 miles of the sources of the Paraguay, and if it were not for the rapids 480 miles from its mouth large vessels might sail from the Amazon into the heart of Bolivia. Another great tributary of the Amazon, the Tapajos, about 1,000 miles long, rises only 20 miles from the headwaters of the Rio Plata.

A number of routes are open across the continent: At the harbor of Buenaventura in Colombia, a railroad is to be built to Cali in the Cauca Valley. The valleys of the Magdalena and the Cauca have been followed to their sources, but I do not know of any passage in that vicinity to the headwaters of the Amazon. From San Lorenzo, Bahia, and Guayaquil, in Ecuador, there are routes to Quito, whence the eastern ridge may be crossed to Papallacta, Archidona, and the Napo. The route from the Quito Valley, via the Pastassa River in Ecuador, is difficult on account of the rapids, and dangerous because the inhabitants are hostile. The route via Loja in Ecuador and the Maranon is also difficult. The best route of any is from Trujillo in Peru to Caxamarca, Chachapoyas, and Moyabamba, thence from Balsa Puerto by canoe to Yurimaguas and down the Huallaga.

From Lima in Peru there is a road to Tinga Maria, via Huanaco and then down the Huallaga, which is difficult in the rainy season; or from Lima to Mayro, via Cerro de Pasco and Huanaco, and down the Pachitea and the Ucayali.

There is a route through Bolivia to Cochabamba and down the Marmoré and Madeira, or to Santa Cruz and the Paraguay River. The route through the Uspallata Pass in Chili is now followed by a railroad to join the railways of Argentine.

But little is known of the Amazon basin beyond the limits of the river banks; it is thinly inhabited and only by uncivilized people. All the travelers through this region speak of the density and profusion of the foliage. The Pampas of Sacramento are thickly covered with trees, and the vegetation in all parts almost entirely prevents communication.

In Raimondi's Peru there is mention of a journey by Señor Reyes from Popayan, in Colombia, across the Cordilleras and down the Putumayo, but no description is given of the route.

In the proceedings of the Royal Geographical Society for 1880 there is a statement of the parts of South America not yet thoroughly explored. They include the headwaters of the Amazon in Ecuador and Colombia, and the parts of Colombia between the western Cordilleras and the Orinoco and Negro, and between the river Meta and the rivers Uaupes and Japura.

The inhabitants of South America live upon its outer borders; in the southern part the mass of population is on the sea-coast, farther north on the interior plateaus.

On the Andes the rainy season sets in toward the end of September and lasts until March, when the dry season begins. During the rainy season the roads become so bad that travel is almost suspended.

Gold and coal are found at Chiriqui, Colombia, and in abundance in other parts of the State. Coal is found near Huanca, in Peru, at a height of 14,700 feet. Among the exports of South America are gold, silver, copper, tin, and other ores, guano, niter, sugar, wool, cotton, tobacco, vanilla, cinchona, cocoa, Peruvian bark, India rubber, coffee, hides, wheat, etc. The soil of the mountain valleys is rich and fertile.

Traffic is carried on by mule or railway directly to the coast; or by mule, almost in the opposite direction to the headwaters of the great rivers, whence it goes to the

coast by canoe and steam-boat. Many of the rivers have regular lines of boats. The Magdalena is navigable to Honda for steam-boats and above that for a long distance by canoe. The Putumayo is navigable to the boundaries of Colombia; the Maranon, Huallaga, Ucayali, Purus, and Marmoré carry the products of Peru and Bolivia; the La Plata and San Francisco those of Bolivia, the Argentine Republic, Uruguay, Paraguay, and Brazil; and the Orinoco, of Brazil, Venezuela, and Guiana.

COLOMBIA.

GEOGRAPHICAL FEATURES.

The republic of Colombia may be called one of the most important countries of South America, situated as it is near Central America and connected with it by the Isthmus of Panama. In the south the Andes Mountains, dividing into three chains, traverse the country from north to south. The western Cordillera follows the coast, with a decreasing altitude, turns to the northwest, and traverses the isthmus to Central America. On the Atrato River line its highest point is about 900 feet; on the Panama canal line it is only about 300 feet. Beyond this point the elevation increases. The central Cordillera passes northward until it is lost in the Caribbean Sea. In this chain lie several volcanoes of great height; in the northern part it is somewhat broken and of lower level. The eastern Cordillera turns slightly to the east in its northern part and forms the boundary between Colombia and Venezuela. In the southern part of the republic there is a portion of the chain previously mentioned as crossing the continent from east to west.

The topographical features of the isthmus lend themselves in numerous places to interoceanic communication. Routes for interoceanic canals have been surveyed at the Chiriqui Lagoon, at Colon, where work has been in progress for a canal, at the Gulf of San Blas, Caledonia Bay, and the Atrato River. The ranges of mountains determine the water systems. On the western coast small streams flow into the Pacific; in the interior, the Cauca, with its many tributaries, rises at an elevation of 14,000 feet, and flowing north passes through the lower portions of the central Cordillera to unite with the Magdalena not far from the coast. The Magdalena, navigable for 600 miles, and having the volume of the Mississippi, is the great artery for the commerce of Colombia. It flows northward into the Caribbean Sea between the central and eastern Cordilleras, and it is said that both the Cauca and the Magdalena have their origin in the Lakes Las Papas.

At Honda the rapids in the river form the head of steam-boat navigation. Navigation is carried on for 175 miles above them by steam-boat and for several hundred miles further by canoe. The Cauca Valley is throughout much higher than that of the Magdalena. The Cauca River is navigable for a short distance only, to the rapids, but above them a steam-boat line carries navigation several hundred miles.

On the slopes of the eastern Cordillera are numerous sources of the Orinoco and the Amazon, separated by the central range. The whole of Colombia may be called mountainous, except along the northern coast, where the land is level and the water-courses numerous. Communication is consequently difficult in all parts. The old maps show the great Spanish highway from Quibdo on the Atrato southward to Popayan, Pasto, and Ecuador. This highway is said to have been used to carry the products of the mines of Peru, Ecuador, and Colombia to the port of Cartagena, whence they were taken to Spain. The water-courses and the great mountain valleys constitute the highways. In the north and northwest the ranges are easily crossed at numerous points (the canal routes have already been mentioned), but in the south the passages are few. The one best known is the Quindio Pass.

In the far south little is known of the country. In Raimondi's Peru, as previously mentioned, the author speaks of El Senor Reyes having gone from Popayan to Pasto, thence across the Cordillera and down the Putumayo, where there has since been es-

tablished a line of steam-boats by which commerce of the Department of Cauca is carried into the Amazon. I have been able to find only general descriptions of Colombia, and of these the leading features have been given. The products of this country find their way to market upon the backs of mules, or by means of boats upon the numerous water-courses. Roads, properly so-called, are not general; they exist merely as mule tracks. Efforts have recently been made to effect an improvement in this respect, and military labor has been used for the purpose. A road suitable for vehicles was opened about a year ago from Bogotá to the Magdalena River. A good road has also been opened from Quibdo to Medellin, touching the rich mining towns along its route.

RAILWAYS.

With the exception of the Panama Railway, 47 miles in length, there are only about 180 miles of line constructed, although many more have been projected, with promises of liberal aid from the Government. A report of Vice-Consul Whelpley, with a map, is added, from which a good idea may be obtained of the roads mentioned. There are several others of importance: the Cucutá railway, in the eastern part of the State, connects San José de Cucutá with the Zulia River at Villamazar, and the Savanna railway joins Bogota and Facatativa on the plain of Bogota. The Panama railway, uniting the two oceans at Colon (Aspinwall) was chartered by the State of New York in 1849 and was opened in 1855. Its immediate purpose was to provide a route to California, but has since become a great commercial highway between western Europe and eastern Asia. It may soon be rivaled, however, by the railways to be constructed in Guatemala and Costa Rica and by the Nicaraguan Canal. It is said that a French-Belgian syndicate is endeavoring to secure a concession from the Government to build a railway from Cartagena to Bogotá, and from Bogotá to Buenaventura, and that the syndicate is ready to complete the road provided the Government will guarantee an annual interest of 5 per cent. upon the capital.

A concession has been granted to a French syndicate for a line from Bogotá to the Orinoco River, and very recently the Department of Bolivar has contracted for the construction of a line from Cartagena to Cucutá, a distance of about 350 miles, with the subvention of a large tract of land for each mile of line constructed. Dr. Nuñez, President of the Republic, highly approves a line up the Atrato River to Quibdo, with a branch to Medellin, and thence up the Cauca Valley to Popayan. Connection might be made to Bogota over the Quindio Pass. It would pass through the Choco district, the richest in the world, and would reach a population of 800,000 people. Along its route would be found coal, gold and silver, india rubber, and great quantities of coffee.

The following table shows briefly the railways of Colombia, the first figures showing length of line when finished, the second the portion in actual operation:

Name of railway.	Terminal points.	When finished.	In operation.
		Miles.	*Miles.*
Panama Railway	Colon to Panama	47	47
Bolivar	Baranquilla to Puerto Belillo	20	20
Cucutá	Cucutá to Villamizar	34	34
La Dorado	Conejo to Honda	30	18
Girardot	Girardot to Bogotá	96	20
Antioquia	Puerto Berrio to Medellin	125	30
Cauca	Buenaventura to Cali	85	12
Santa Marta	Santa Marta to Cienaga	20	20
Santander	Puerto Wilches	75	1
Savanna	Facatativa to Bogotá	24	24
Total			226

To these are to be added the projected roads from Cartagena and Bogotá.

Another great scheme has recently been advanced of connecting the Port of Cartagena with the railways of Peru by a line up the Magdalena Valley, traversing the valley of the Amazon, and again crossing the Andes in Peru. A charter has been granted by the legislature of Virginia for the formation of a company to build this road.

An important transportation route has been traced by Dr. Nuñez, President of the Republic, as follows: A railroad to be built from Bogotá to the river Meta, 120 miles; thence by water down the Meta and the Orinoco to the Cassiquiari; along this latter river a railroad to be constructed 240 miles to the river Negro, and thence to the Amazon and its tributaries by water.

COLOMBIA—GEOGRAPHICAL FEATURES.

The official name of the country is the "Republic of Colombia." It is bounded on the north by the Caribbean Sea, on the east by Venezuela and Brazil, on the south by Ecuador, and on the west by the Pacific Ocean, and includes the Isthmus of Panama as far north as Costa Rica. Its southern boundary is near the equator. It is traversed by ranges of the Andes, and is one of the most mountainous countries of the world. The soil of the valleys and plains is rich and productive, and many of the mountains are covered with green even to their summits. The climate varies with the altitude, from the tropical heat of the coast and great river-beds to the cold of perpetual frost.

Bogotá, the capital, contains 75,000 people, and is situated upon an immense productive plain at a height of 8,500 feet above sea-level. The temperature averages 60° above zero, and the climate is salubrious.

CHARACTERISTICS OF THE PEOPLE.

The population of Colombia approaches 4,000,000, and consists of Indians, negroes, half-breeds, and the whites, who are the descendants of the Spanish conquerors. The common people are industrious, simple, hospitable, and of singular probity. Life and property are absolutely safe. Highway robbery would be a novelty, and courtesy to strangers is proverbial. The upper classes are well educated, intelligent, desirous of progress, courteous to strangers, patriotic, and sensible. The Government is a centralized republic. Absolute peace has been maintained since 1885. The property and rights of foreigners are respected and protected. The disposition of the government and of all classes is friendly to foreigners, and with rare exceptions the people are especially inclined to the citizens and institutions of the United States. They like our products, and prefer many of them to those of European countries. (Report by Minister Abbot, of Bogota, September 4, 1889.)

MINES.

Colombia is without doubt rich in mineral resources. The mountainous part of the interior abounds in gold and silver, and in some parts iron is found in considerable quantities, while on the coast, in the region of Santa Marta, copper exists. The working of the iron mines has not proved a success, while the copper has not been attempted. An American mining engineer has lately reported petroleum in very considerable quantities to exist in Tubara, 12 miles from Barranquilla, and within the limits of this consular district. But the principal mines are of gold and silver. Until a few years ago these mines were almost entirely in the hands of the English; but recently there has been an influx of American enterprise, capital, and machinery. It is too early yet to say what will be the outcome of this, but with better communication and facilities for getting the heavy machinery into place there seems to be no reason why these mines will not be worked to advantage.

COLOMBIAN RAILROADS.

The information, obtainable only from Government archives at the capital of the nation—so distant and so unapproachable except with a "golden key"—has rendered it necessary to rely on my own observations and the engineers in charge of construction and management. I inclose a plan of the railroad system, presuming it may lead to a better understanding of the present report. The railroad system of the interior of Colombia is as yet in its embryonic stage and slow in growth.

The capital that might have built railroads and brought remunerative order out of a chaotic realm of natural wealth has been mainly spent in fostering and suppressing political revolutions.

The internal resources of Colombia in precious metals, coal, iron, copper, gums, dye woods, medicinal plants, fibers, and valuable timber should rank her among the most prosperous in the family of republics.

The only road in this consular district in actual service is the Bolivar, between Barranquilla and Salgar, the port for shipment. A branch road to Puerto Colombia, not yet completed, will terminate at the pier now building, where steamers can discharge and receive freight in the future. The railroads to be considered are the Bolivar, Cauca, Jirardot, the Antioquia, and the Dorado. I name the Bolivar first as being the first in importance in its service and aid to foreign commerce, as well as in its perfect management.

A slight digression here may obviate a more prolonged explanation later. The mouth or delta of the Magdalena River, the great commercial artery for eight States of the Republic, is obstructed more or less at all seasons by a shifting bar formed by the sediment of the Magdalena, the Cauca, and their hundreds of tributaries. It is and has been a "marine cemetery," so to speak, for the past forty or fifty years. Vessels enter the river sometimes with from 18 to 20 feet of water on the bar, but a few days later, when cleared for departure, there may be but 9 or 10. Loaded vessels outward bound have waited sixty or seventy days watching for the favorable combination, which seldom occurs, of a fair wind, good depth of water on the bar, a moderate sea, and a reliable pilot to get safely out of this aquatic trap. And it is not an exaggeration to say that one-quarter part of the sailing craft has been lost in exit or entrance. Vessels have been lost on the bar when in tow of a powerful tug-boat and piloted by one of the best experts on the coast. During the past month an American schooner, the *F. G. French*, of New Haven, could not get out on account of the heavy sea on the bar, the prevailing northerly wind, and the uncertainty of the eccentric channel, which may or may not be as it was upon the entrance. A British barkentine has been nearly two months in the same dilemma, and on the 26th ultimo the German brig *Enrique* was lost with a valuable cargo, and two of her officers were drowned, in endeavoring to reach the proper entrance to this delta of the Magdalena; a river 800 miles in navigable length, exclusive of its tributaries, one of the great rivers of the world, but without a light-house, a beacon, or even a buoy to mark its entrance, with no landmarks, no pilots, and a channel as shifting and unstable as the sands that bar the entrance. It was to obviate this peril to life and property that the Bolivar Railroad was constructed.

When the branch to Puerto Colombia is completed steam-ships can lie alongside a pier in smooth water, in a port easy of access, to discharge and receive freight. Sixteen thousand three hundred and seventy-one tons of exports from the interior have been passed over this road for shipment during the year 1887, and 11,848 tons of imports have been delivered at the Barranquilla terminus for the interior trade.

The exports are from the marginal towns and villages along the rivers accessible by river steamers, and only a fractional part of what might be sent to the coast for foreign markets reaches commercial channels through a lack of proper roads and the scarcity of labor. Seven steam-ship lines touch at Salgar to discharge and receive freight, mails, and passengers. German line from Hamburg twice a month; Royal Mail twice a month to and from Southampton; West India and Pacific, English, twice a month from Liverpool; Atlas, English, from New York, twice a month; Harrison, English, Liverpool and New Orleans, twice a month; General Transatlantic, French, twice a month, and the Spanish line twice a month. The passenger traffic over the Bolivar road from and to the Salgar terminus has more than doubled during the past three years.

Should the Dorado and the Antioquia roads be pushed to completion there would be four trains or more daily to Salgar instead of only two, as at present. But of these roads we will speak in the proper routine.

The Bolivar is under American management; is owned by private parties. The rolling stock now in service, of English manufacture, will be replaced as the necessity arises with American. The extension of the branch road to Puerto Colombia, on the northwest side of Salgar Bay, makes the distance from the Barranquilla terminus to the pier eighteen miles. The Salgar terminus will probably be abandoned in the immediate future.

Barranquilla to Salgar wharf is 14 miles, and the necessity for steam-tugs and lighters between Salgar and the shipping will soon be abolished, and probably lower rates of freight will be established to the pier at Puerto Colombia.

The rate for passengers at present is $5 per capita for first-class from Barranquilla to the shipping, or *vice versa;* $3 for second class; and freight at the rate of $2.50 per ton.

The Cauca Railroad.—This road, the construction of which was commenced in 1878 and was to connect with Cali and the west bank of the Cauca River, has its present

terminus at Cardova, 12 miles from Buenaventura. It is now government property; has been surveyed to Cali, but the work has been suspended.

At the time the contract was made the National Government ceded to the grantee 500,000 acres of wild land on both sides of the line in alternate lots of 10,000 hectares each. During the construction of the road, and for five years after its completion, all the material for construction and operation—tools, food, medicine, etc., were to be free of duty, tax, or impost. The State governments of Cauca and Antioquia were joint share-holders, the National Government agreeing to contribute $3,000,000, one-half of the estimated cost of the road. An exclusive franchise for forty years was guarantied by the National Government. The passenger tariff for the 70 miles—Buenaventura to Cali—was to be $5 for first class, $3 for second class, and 1 cent a pound for freight. For way traffic a differential tariff would be established within the specified limits.

An integral and important part of the contract was the construction of a pier at the port of Buenaventura to accommodate loaded trains and ships drawing 20 feet of water. As far as can be learned from unofficial sources, failure in payment of promised subsidies and revolutionary troubles have prevented the continuance of the work. The grantee on the one part and the Government on the other made an amicable adjustment, and the line as far as completed (12 miles) became the property of the government of Cauca and the nation, and its future is a matter of vague uncertainty.

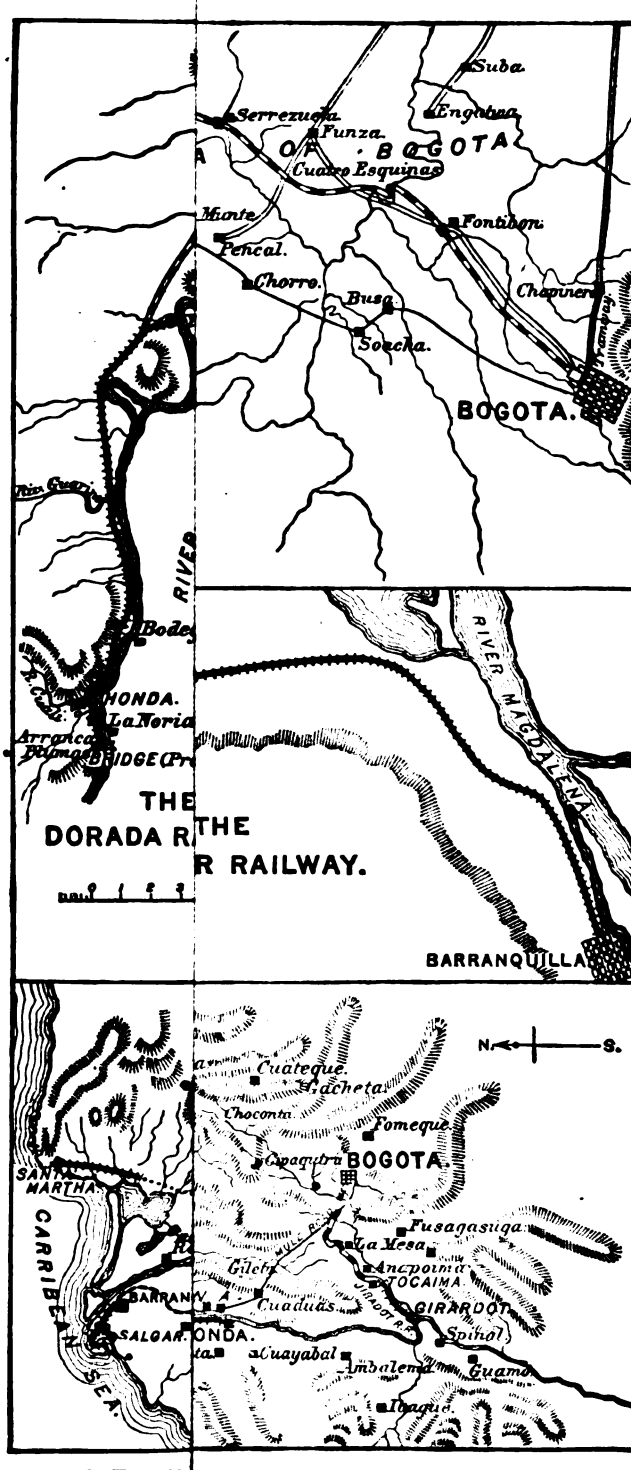
The Jirardot Railroad,—By reference to the accompanying plan it will be seen that this line has been completed to Portillo, 12 miles. The line has been surveyed to Bogotá, a distance of about 80 miles. It is a Government enterprise, and presents engineering difficulties of no ordinary character. The work is progressing slowly, but owing to the topographical features of the route, gradients will be necessary at several points on the line of survey; and it is considered doubtful whether the road when completed will ever pay its running expenses. Passengers coming up the river en route for Bogotá prefer to leave the river steamer at Yegnas, taking the Dorado Railroad to Honda; then they cross the river and proceed by the old mule road, consecrated by a century of usage. Comfortable hotels, in picturesque locations, break the journey into easy stages, and whether for business or pleasure the majority of travelers who have had a surfeit of river travel between Barranquilla and Yeguas do not care to spend two or three days more on a small steamer on the Upper Magdalena for the doubtful pleasure of skirting mountain spurs and crossing ravines on trestle-work among the Cordilleras. Remarks on the future progress and prospects of this line would be premature; its history is a subject for the future. (Gauge 3 feet, rail 30 pounds, section completed in 1884.)

The Antioquia Railroad.—From Puerto Berrio to Medellin, 125 miles, has been completed to Pavis, 30 miles from Puerto Berrio. The first contract for this road was signed in February, 1874, modified on the 4th of May following, and in July, 1876, a new contract was made for the termination of the line at Barbosa, a distance of 100 miles from Puerto Berrio. This also is a road of heavy gradients. The State of Antioquia was to contribute at the rate of $17,700 per mile, but not to exceed a total of $2,000,000, upon which basis State bonds were issued. The State of Antioquia, as share-holders of one-third part of the enterprise, owned the right to one-third of its proceeds. The grant was for the period of fifty-five years, with exclusive privilege for thirty years, beginning from the 1st of March, 1883. The same immunities and privileges in regard to duties and taxes as specified for the Cauca road were also conceded for the Antioquia. The maximum rates of fare and freight were: For first-class passengers, 12 cents per mile; second class, 8 cents; third class, 4 cents. Imports, 30 cents per ton per mile; exports, 25 cents, and coffee and tobacco 15 cents a mile.

With this brief summary of the principal features of the grant it may not be amiss to mention some of the difficulties.

There are to be 22 bridges, 115 trestles, 58 culverts, 4,135,288 cubic yards of earthwork, and 177,242 cubic yards of retaining walls. The central Cordillera to be passed at its greatest depression, 5,177 feet above sea-level, "requires the adoption of 6 per cent. gradient." But in spite of the difficulties to be overcome, the original design of the projector, the grand project of joining the Magdalena Valley to the Pacific coast by the union of the Cauca and the Antioquia roads would open up a realm of wealth. There are five hundred and eighty mines of gold or silver constantly worked, a large number without machinery, within those mountain barriers, only accessible by bridle-paths, rendering the transportation of proper tools and machinery impossible. On some of the interior rivers marble in inexhaustible quantities could be quarried, especially on the Claro and Nare.

Coal belts have been discovered, alum, sodium, calcium, manganese, cobalt, lead, zinc, mercury, arsenic, and platinum have been reported upon; agates, jaspers, and variegated marbles are found in the mountains. The population of the more mountainous regions of Colombia are the bone and sinew of the nation—hardy, persevering, and industrious—good herdsmen, agriculturists, or foresters in times of peace, and brave and reliable soldiers in war.


Suba.
Serrezuela.
Funza.
OF BOGOTA
Cuatro Esquinas
Fontibon.
Pencal.
Chorro.
Busa.
Soacha.
BOGOTA.
RIVER
HONDA.
La Noria
THE
DORADA R
THE
R RAILWAY.
RIVER MAGDALENA
BARRANQUILLA
N.
S.
Cuateque.
Gacheta.
Choconta.
Fomeque.
BOGOTA.
SANTA MARTHA.
CARRIBEAN SEA.
Fusagasuga.
La Mesa.
Anapoima.
TOCAIMA.
GIRARDOT.
Cuaduas.
SALGAR.
ONDA.
Cuayabal
Ambalema
Guamo
Ibague.

Sugar, cotton, corn, rice, wheat, tobacco, cocoa, coffee, aniseed, are some of the productions awaiting an outlet from the valleys and table-lands of the interior to navigable waters. The space to which this report should be limited prevents a more detailed description of domestic and forest products intended to be reached by the Antioquia Railroad.

The Dorada Railroad.—It is necessary to refer to the Magdalena River, especially to that portion of the river between Honda and Yeguas, unnavigable when the water is low on account of the rocks, shoals, and rapids in that section of the river.

In 1872 the State of Tolima granted an exclusive privilege for constructing a railroad between the waters of the Lower Magdalena, at Caracoli, and the Upper Magdalena, at Honda, and a bridge across the river at Honda. A series of rapids and falls at this place forms a barrier between the upper and lower rivers.

The National Government guaranteed, for twenty-five years, 7 per cent. interest on the sum of £42,000 sterling—the estimated cost of the work. The preliminary surveys elicited adverse reports. That the capital so guaranteed was insufficient for the purpose, and that such a short line would be expensive in working, especially in competition with the time-honored mule train, that would still absorb a good portion of the traffic on the 3 miles of road. Navigation being difficult and dangerous for at least 30 miles below Honda, application was made for and a new concession granted with exclusive privileges. English capital could not be found for the original plan, as the cost was estimated at £16,600 sterling per mile. Taken by itself this seemed excessive, but in conjunction with 27 miles on which the cost would be exceptionally low, the average cost did not seem so great. The projected plan for the extra concession was to connect a port below El Dorado with Honda, and the bridge to cross the river at that place—about 30 miles along that part of the river most obstructed by shoals and rapids. The road has been completed to Yeguas, about 18 miles. Owing to revolutionary disturbances, additional time was granted (to August, 1885) to extend the road to Conejo.

The National Governmen t grants a subsidy of $5,833 per mile, as completed, and an exclusive privilege for eighty years, at which period it is to become the property of the nation. Seven per cent. annual interest is allowed for any delay in the payment of the promised subsidy. The road between Caracoli, below Honda and La Noria, above Honda, has been in service since June 1, 1882, effectually uniting passenger and freight traffic between the waters of the Lower and the Upper Magdalena. This, the most difficult part of the road, cost $64,000, and the engineers have estimated the remainder of the road at a cost of $16,000 per mile.

The bridge across the river at Honda will probably be built in the future, but as yet nothing has been done towards its construction. Some five years ago a Colombian railroad enterprise was inaugurated to construct a railroad from Puerto Wilches, on the eastern bank of the Magdalena River, to follow the valley of the Sogomosa River and reach Bucuramauga. The line was surveyed and a short section of track, less than a mile, was laid.

Both the State and the National Government contributed aid to the project. Presumably the revolution of 1884-'85 caused its suspension. Rumors of a new contract are current, but no official data has come to hand in regard to its prospects. Before closing this report mention should be made of a projected railroad scheme to connect Santa Marta with one of the up-river ports. There are 20 miles of road completed from Santa Marta to the Cienega station, and the line is being surveyed, it is reported, to Banco. As a large section of the line south of the Cienegas is on alluvial lands subject to overflow, and the main portion is through swamp jungle and across various lagoons and water-courses of promising difficulties, it would be premature to express any positive opinion as to its future. There are said to be copper mines in course of development within reach of the line that may be largely remunerative in the future, but it is doubtful whether profits derived solely from such a course would be able to cover the interest on sufficient capital to build such a road—through a district very sparsely populated—and in competition with the steam-boat lines. (Report by S. M. Whelpley, United States vice-consul, Barranquilla, March 10, 1888.)

VENEZUELA.

The total area of the Republic, in its official statistics, is computed at 1,639,398 square kilometers (of which 2.59, or nearly 2⅔, make 1 square mile, English); of this, the section south of the Orinoco River and its great tributary, the Apure, and the delta of the former, contain the State of Bolivar and the territories of Yurnary, Caura, Alto Orinoco, and Alto Amazonas, with a collective area of 1,044,294 square kilometers. In 1883 the entire population of this vast region was but 108,352 souls. As 10,861 were in the single city of Ciudad Bolivar, and at least as many in the gold regions near it, and many thousands of the subjugated but scarcely civilized Indian tribes were included in the census, the remainder must constitute an exceedingly sparse

population, so much so that the population of Caura on 58,458 square kilometers seems not to have been counted at all, but included in that of the State of Bolivar. It is difficult to estimate the area and population north of the Orinoco and Apure. The greater mass of the population lies upon the comparatively narrow rim of the Republic in the elevated regions bordering on the Caribbean Sea and Lake Maracaibo, which extends southwardly to the slopes of the Andes.

The obviously leading thoughts of both the rulers and the business men of Venezuela are to connect its populous and productive uplands with the Caribbean sea-ports by railways. Those uplands occupy precisely the relations to those ports which the eastern ports of the Mississippi Valley do to the Atlantic sea-board except that the lines of communication between the former must be from north to south. A railway is already in successful operation from La Guayra to Caracas and a few miles beyond. Mr. Bird, United States consul at the former place, suggests in his report of May 1, 1884, that it should be extended through the mountains southwardly to the Orinoco valley. From Puerto Cabello a railway is in course of construction southwardly to Valencia, and the late very progressive ruler of Venezuela, General Guzman Blanco, made Government contracts for the construction of a railway from Grita in the heart of the mountains in the State of Los Andes, down to Lake Maracaibo. After the successes of our own engineers in overcoming the obstacles of our Rocky Mountains, the Andes in Peru, and even in the short line which has been built in Venezuela itself around the 8,000 feet high mountain between La Guayra and Caracas and of European engineers in Switzerland and India, it is a question only of energy and capital how long it will be before all the really salubrious parts of Venezuela will be connected by railways with the ports on the Carribbean Sea.*

The following is a brief statement of railroad building in Venezuela taken from the Statistical Annuary of Venezuela for 1887:

Railways open to traffic.

	Miles.
From Caracas to La Guayra	23.6
Tucacas to Aroa	55.8
La Ceiba to Sabana Mendoza	25.1
Caracas to El Valle	3.4
Marquetia to Macuto	4.3
Carenero to Rio Chico	19.8
Caracas to Petare	6.2
Caracas to Antimano	5.5
	143.8

Railways in construction.

From Puerto Cabello to Valencia	33.5
Petare to Santa Lucia	27.3
Santa Cruz to La Fria	55.8
Orinoco to Yuruari	124.0
Barcelona to the Coal Mines	11.8
	252.4

Lines contracted and being studied.

From Caracas to La Victoria	62.0
Petare to Ciudad Bolivar (through Guarenas, Guatire, Rio Chico, etc.)	449.5
Puerto Cabello to Zamora	186.0
Maracaibo to Cojoro	96.1
Coro to La Vela	7.4
San Cristobal to Uribante	49.6
La Luz to Barquisimeto, Tocuyo, and Trujillo	217.0
Merida to Mucuchies and Bobures	161.2
	1,228.8

A French company has recently acquired a concession to build a railway from San Carlos del Zulia to Merida, and to operate a line of steamers in connection with it between San Carlos on the Escalante and Maricaibo.

Most of these railways have obtained guarantees from the Government of 7 per cent. interest upon their capital proportionate to the cost of the road, to continue for ninety-

*Report of South American Commission.

nine years; and some have a further grant of authority to work all mines within a certain distance of their lines. These railways have all been constructed by British capital.

The statistical annuary of Venezuela for 1889 makes the following statement: There are completed to the present time (July 1, 1889) 316 kilometers (196 miles), of which 37 kilometers (23 miles) are from Caracas to La Guayra; 8 kilometers (4.9 miles), Marquetia and Macuto; 5 kilometers (3.1 miles), Caracas and El Valle; 54 kilometers (33.5 miles), Puerto Cabello to Valencia; 90 kilometers (55.8 miles), Tucacas and mines of Aroa; 35 kilometers (21.7 miles), La Ceiba and Sabana de Mendoza; 19 kilometers (11.8 miles), Barcelona and Bay of Guanta; 33 kilometers (20.5 miles), Carenero to San José; 20 kilometers (12.4 miles) are in the Central Railroad; 15 kilometers (9.3 miles) in the great railroad of Venezuela. The Central is to be 240 kilometers (144.8 miles) long from Caracas to Valencia. The great railway will be 300 kilometers (186 miles), and will connect Caracas with San Carlos in the state of Zamora.

RAILROADS IN VENEZUELA.

On the 16th ultimo the railroad between this port and Valencia was formally opened by President Hermogenes Lopez.

The *Puerto Cabello and Valencia Railroad*, as it is called, was commenced a little more than two years ago by Perry, Caruthers & Co., of London, contractors. On the 1st of April it will pass into the hands of the company, of which Mr. W. Mallon is general manager. The gauge is 3 feet 6 inches—6 inches wider than the track between La Guayra and Caracas.

The distance is 54 kilometers. Valencia, the southern terminus, is a city of some 40,000 people, and is situated in the heart of one of the richest agricultural regions in the country. In fact, it is admitted that the States of Carabobo and Lara are the first in agricultural development in the entire republic. Another railway, from Caracas to Valencia, about 300 kilometers in length, is in process of construction by an English company. It is reported that Krupp, of Krupp gun fame, has a concession for still another railway between the two cities mentioned above.

Another railway is projected between this port and Aurare, which is not far from the Apure River, one of the principal tributaries of the Orinoco on the north. This is also about 300 kilometers in length.

There is still another line of railway—already commenced—in this consular district, extending from *La Luz to Barquisimeto*, a distance of 85 kilometers.

These lines will open up a great agricultural and mineral district, facilitating greatly the movement of merchandise to this port, and will doubtless build up and develop the country's resources more largely, and materially improve and advance the interests of the people throughout the entire country, and will be the best means of placing the Government on a much more stable basis than it has ever had. (Report by David M. Burke, United States consul, Puerto Cabello, March 15, 1888.)

Consul Plumacher, under date of February 5, 1889, reports that the Credit Mobilier of Paris has commenced preliminary work upon a road from La Fria to San Cristobal. The chief engineer, M. Dubosques, died from yellow fever almost upon arrival at La Fria, which will probably delay operations. Another road from the city of Merida to the lake coast is about to be begun.

A railway from Santa Barbara, at the southern extremity of the lake to San Cristobal will be commenced within a month, the contractors being a French company. No railroad in Venezuela will excel this in importance, and it has been talked about for many years, but there is every reason to believe that it will now be vigorously pushed through to completion. (Report by E. H. Plumacher, United States consul, Maracaibo, February 20, 1889.)

Referring to previous dispatches from this office respecting the projected railway from Lake Maracaibo to the city of Merida, I now have the honor to report that the work has already commenced, the contractors being a company formed in Paris with the title of "Compagnie Francaise des Chemins de fer Venezuéliens."

The original concession was granted to the Duke of Morny, son-in-law of General Guzman Blanco, who transferred his privileges to the above mentioned company. The engineer in chief, with a complete staff and a large amount of material, arrived in this city last month, and the preliminary work has already begun. When the terms of the contract became generally known, however, there immediately arose a strong opposition on the part of the people who, although fully appreciating the incalculable advantages of direct railway communication between Lake Maracaibo and the rich coffee regions of the Cordillera, were very unfavorably impressed with the extraordinarily exceptional privileges granted to the contractors.

I inclose translation which appeared in the Fonografo, a leading Maracaibo newspaper, giving a tolerably accurate idea of the general feeling of the people. It is true that all railways constructed in Venezuela have been favored with a guaranty clause in the contracts, assuring to the contractors an interest of 7 per cent. upon the capital invested, but it is complained in this case that the estimate of the cost of construction is excessive. Of the 170 kilometers comprised in the line the first 60 have been estimated to cost $60,000 each and the remaining 110 $70,000 each.

It must be acknowledged that the conditions topographically and otherwise are peculiar, as one part of the road will pass through swamps and morasses and another will necessitate heavy rock work in order to climb the Cordillera; but even taking all this into consideration it is to be regretted that American capitalists did not take this enterprise in hand. For years this consulate has called attention to its importance and to other opportunities for successful investments, but these suggestions have been utilized almost invariably by foreigners and not by Americans, for whose knowledge and benefit they were intended.

In this consular district there is now one railway in active and successful operation (that of La Ceiba), which will probably soon be extended to Valera by a French company. The Merida road is French property, and there is still another about to be constructed from one of the tributaries of the lake to the city of San Cristobal, also under a French contract. We are thus losing constantly excellent opportunities of augmenting our commercial prestige in this Republic. The French, particularly, have recently shown much activity in Venezuelan enterprises, and the only coal deposit where serious efforts have been made for the extraction of the mineral is granted to a Paris company.

In this connection I beg to state, as indicative of the interest taken by Europeans in these matters, that my report of February 3, 1888, referring to commercial and industrial matters in this consular district, published by the Department, attracted the attention of the British Government, and the foreign minister recently sent a personal cablegram to the British consul at this port, requiring detailed information respecting the petroleum deposits referred to at length in my above mentioned dispatch.

It would be gratifying to me were our own people to take advantage of these numerous opportunities for the enterprises of railways, coal mines, petroleum deposits, etc.; but as it has often been mentioned in consular reports from various parts of South America the information thus furnished for the benefit of the capitalists, merchants, manufacturers, and exporters of the United States is acted upon more by Europeans than by our own people.

To return, however, to the railway, which is the immediate subject of this dispatch, I shall endeavor to keep the Department informed as to its progress and chances of completion. There are other details in connection with the enterprise, such as the alleged exclusive privilege of steam navigation on the lake, which are not yet sufficiently clearly defined for me to inform the Department with accuracy, but I think I can safely say that such a monopoly can not possibly exist, especially as it would conflict directly with the interests of an American company chartered and incorporated in New York. (Report by E. H. Plumacher, consul, Maracaibo, March 8, 1889.)

I have the honor to furnish the Department with further details respecting the progress of the railway from the lake coast to the city of Merida, as referred to in my dispatch No. 574, of March 4, last.

In January last the chief engineer, Mr. William H. Burr, an Englishman, and a staff of assistants, principally Americans engaged in New York, together with an English physician, arrived at Maracaibo and began the organization of the work. The circumstances attendant upon the concession for this enterprise were somewhat peculiar, and a brief résumé thereof will be of interest to those of our own countrymen who may contemplate similar enterprises in this Republic.

When the question of a railway from the lake shore to Merida was first seriously discussed, Guzman Blanco was then supreme in Venezuela and in actual possession of the presidency.

His son-in-law, the Duke de Morny, visited this country immediately after his marriage, and was at once granted various valuable concessions, among them one for the construction of a railway from San Carlos, a river port at the extreme south of Lake Maracaibo, to the city of Merida.

This concession was granted by the executive power, needing only the approval of Congress to render it valid. As for nearly twenty years, however, the will of Guzman had been the law of the land, and as the national legislature had never hesitated to approve all of his acts without discussion, it was taken for granted that this railway contract of de Morny would be at once confirmed, although its terms were highly disadvantageous to the country and proportionately favorable to the concessionaire.

In a previous dispatch I pointed out the just grounds of the people at large against the issue of a contract based upon such unequal terms, and inclosed newspaper arti-

cles referring to the matter, in which both Guzman and his son-in-law were severely handled. However, as time elapsed the reaction against the dictator took place, and the present incumbent, Dr. Rojas Paul, succeeded to the Presidency. Congress met, and most of the contracts made by General Guzman Blanco were disapproved, but this particular concession for the Merida road was not submitted, its supporters fearing, no doubt, that in the existing temper of Congress and on account of the force of public opinion it would meet a like fate.

In the meantime De Morny had formed a company in Paris, he and his father-in-law, it is said, being heavy stockholders, and this company contracted for the construction of the road with the Compagnie de Fives-Lille, a French firm whose operations extend over the greater part of the civilized world. This latter company, it will be understood, are merely the constructors, having engaged to build the road for a stipulated sum, and have nothing whatever to do with questions of concessions or ownership.

It will be noted from the foregoing, however, that the contract is not yet approved, and if, in February next, when the Venezuelan Congress meets, it should be thrown out, then the company formed by the Duke de Morny will be obliged either to suspend operations after having already expended a large amount of money, or to continue at their own risk without the Government guaranty of 7 per cent. upon outlay, which is the backbone of the concession.

Of course it is impossible to prophecy what Congress may do, but it is certain that if the contract should be approved it will be greatly modified, as the estimated cost of the road, as accepted by Guzman Blanco, and upon which the 7 per cent. guaranty must be given by this Government, is scandalously in excess of even the most generous computation.

From the very beginning this project has been viewed but coldly by the Venezuelans, and with reason. As the traffic between Merida and Maracaibo is comparatively insignificant, the former city being situated in the poorest part of the Cordillera, it is difficult to see how a fair interest above running expenses can possibly be obtained upon the capital invested, and for many years, should the concession be finally approved, the people of this country would be taxed to maintain a line which really offers but few advantages, and the whole affair has borne such an unmistakable odor of a job in favor of the contractor that the only friends of the project are the few who for various reasons may be directly interested.

It is true that a railway from Lake Maracaibo to the rich coffee regions of the Cordillera is a necessity, but Merida is the worst possible point that could have been selected, and the projected road from San Cristobal, the seat of one of our consular agencies, to which I will have the honor to refer in a subsequent report, will fill all the present needs of the situation.

Notwithstanding the unpopularity of the Merida contract and its lack of final approval by Congress, it was determined to begin work and trust to the influence of Guzman Blanco to straighten out all difficulties, and in January last, as previously stated, Chief Engineer Burr arrived as representative of the construction company, and it is to the result, or rather want of result, of the operations of the past ten months that I desire to call attention.

These details may not appear of great interest, but will be appreciated by railroad men at home who may some time be engaged in similar enterprises in this country, and, as one of the results of the Pan-American Congress will be to call particular attention to the South American Republics and the fields there offered for the enterprise and capital of our people, it seems to be especially appropriate just now to explain clearly the industrial situation.

The history of the Merida road, from the beginning of the work up to the present, is simply a record of mistakes in administration and management.

The starting-point of the railway is at the town of Santa Barbara, situated on the river Escalente, 30 miles from its mouth, which latter is at the southern extremity of the lake, about 100 miles from Maricaibo.

The chief engineer established his headquarters in this city, where he has remained almost constantly, exercising no personal supervision over the work.

For convenience of survey the line was divided into two sections, the first from Santa Barbara to the foot of the mountains, and the second from this latter point to Merida.

The first section, comprising an almost level plain, was placed in charge of Mr. J. T. McGauran, a well-known New York engineer, and the second under control of Mr. C. Corner, with a corps of American assistants. The personnel of the staff appeared to leave nothing to be desired, but nevertheless ten months have elapsed, a large amount of money has been expended, and comparatively nothing done. Want of personal inspection on the part of the chief engineer may have been at the root of the matter, as, without being actually present at times in the field, it has naturally been impossible for him to keep thoroughly posted as to the necessities of the situa-

tion, and enterprise, as far as the practical part is concerned, may be considered acephalous.

This had its natural result, dissatisfaction ensued among the assistants, several of the American engineers having presented complaints at this consulate for non-fulfillment of details of contracts made with them in the United States and for other reasons, many of these complaints being, no doubt, well-founded.

The work progressed very slowly and unsatisfactorily, and to-day, more than ten months after the initiation of the surveys, they are not yet completed, although the entire distance is but 30 leagues. It will be remembered, moreover, that this is a climate of perpetual summer, where inclemency of weather is not a factor in the consideration of obstacles. It will seem almost incredible to our railroad people in the United States that, with ample funds and competent engineers, ten months have not sufficed to complete the survey of less than 100 miles, one-half of that distance being a level plain.

In the mean time the company in France has dispatched many ship-loads of rails, locomotives, etc., expecting that at least the first section would be entirely finished and trains running before now. The fault has been want of administrative judgment, and the working staff as first organized has now gone to pieces, and within the past few days a large party of engineers (all French) have arrived to replace vacancies. Mr. Burr, as far as is now known, still remains as chief engineer, although some of his former subordinates have made complaints against him to headquarters at Paris. It is true that in this country the administration is much more difficult than at home, but in the matter of the Merida road there has been such an absence of good judgment and administrative tact as to serve as a warning to impresarios in the future.

Lake Maracaibo is fed by about one hundred and fifty rivers, each one extending far inland, making the circumference of the lake an almost continuous swamp, with occasional stretches of solid ground between the river systems. It will therefore be readily seen that a railway from the Cordillera could not possibly arrive at the city of Maracaibo except by an enormous expenditure of money, far in excess of the most costly works of a similar character in any part of the world. A convenient port on one of the lake tributaries must be selected as a terminus, and from there steamers must connect with Maracaibo. This naturally necessitates a system of lake and river navigation in connection with the railway, and, recognizing this fact, the contractor was ill-advised enough to have a clause placed in the concession giving him the exclusive right of lake navigation. The absurdity of this is evident when it is considered that hundreds of sailing vessels have for generations traversed the lake and rivers, giving employment to thousands of people, and that there already exist various steam-ship lines, some under American charter. Appreciating this, the company formed by de Morny hastened to explain that this exclusive privilege only extended to steam navigation, which is also a ridiculous assumption, as for years American companies organized in New York and doing business under Venezuelan license have been actively engaged in the navigation of the lake and its rivers, and their exclusion would now bring about an international question.

It is much to be regretted that our own countrymen have not taken part in railway matters in this Republic, and the general opinion, as freely expressed in this section, is to the effect that if the Merida road, with all its natural drawbacks and unpopularity, had been from the first under American control the result to-day would be very different.

As the case now stands, time and money have been wasted, the prestige of the constructors has received a severe blow, and the only thing tangible to show for so many months of work and such a large outlay is an incomplete survey and a few hundred yards of track laid at the village of Santa Barbara. It is expected that the recent arrival of the new staff from France may bring order out of chaos; but a very different system must be adopted, and even should the survey and construction now proceed satisfactorily, yet it is doubtful whether Congress, in its session of February next, will approve the concession, even under modified and more reasonable conditions. (Report by E. H. Plumacher. U. S. Consul, Maracaibo, December 6, 1889.)

ECUADOR.

This country may be said to consist of three parts—the western slope, the Quito Valley, and the Napo region, so formed by the two Cordilleras of the Andes traversing the country from north to south. The Quito Valley having a general elevation of 7,000 feet is separated into three parts by lateral ridges, called sierras; the first, on the south, contains the cities of Loja and Cuenca and is about 50 miles in length; the middle basin, about 130 miles in length, is rather barren, and has the cities of Riobamba, Ambato, and Tacunga; the third and most northerly, in which is situated the city of Quito, the capital, is rich and fertile.

The Napo region is a dense primeval forest, broken only by rivers. There is not a good road in the whole province, and it is very thinly inhabitated. The Andes slope rapidly both in this region and on the western coast.

The river system consists of the Napo, Pastassa and Santiago, tributaries of the Maranon, and the Mira, Esmeraldas, and the Guayaquil flowing westward into the Pacific. The waters of the Quito Valley proper flow into the Pacific, while at Ambato the Pastassa flows into the Amazon.

The rainy season on the eastern slope is from March to November, with the greatest rain in April. The mean annual rain-fall at Quito is 70 inches, while at Charleston, S. C., it is only 46 inches, and at New York 42 inches. The mean annual temperature of Quito is 58. 8°, the extremes in a year being 45° and 70°.

During this season the rains are frequent, giving rise to the great rivers, the Napo, the Pastassa, and their many tributaries flowing into the Amazon. The Maranon at Nauta is three-fourths of a mile wide and flows at a rate of 3½ miles an hour. The Putumayo, which rises in Colombia and enters the Amazon below the Napo, has several mouths, one of which is a mile in width.

The population of Ecuador is given at about 1,000,000, of which the capital, Quito, has about 70,000, Cuenca, 30,000; Guayaquil, 40,000. The greater portion of the whole population is on the central plateau.

The western slope is mountainous, the coast having several harbors, the great port of entry being Guayaquil, whence merchandise is carried by rail or mules to the interior. There is one main road to the plateau which in the rainy season is very difficult of passage, but along the plateau there is a good road. Several passages from the central plateau through the mountains have been followed to the headwaters of the Amazon, one down the Pastassa River is difficult because of the rapids, another by way of Loja to the Maranon is also difficult. There is a road to Macas which is little used. The best route is probably from Quito to Papallacta, about 40 miles east-southeast from Quito, across an extreme elevation of about 14,000 feet, by a road just passable for horses, thence to Napo village, Archidona and down the Napo River. Papallacta lies on the western edge of the great forest. The old maps show the great Spanish high road traversing Ecuador from Colombia on the north to Peru on the south, touching all the important towns in the central plateau.

RAILWAYS.

In the report of the South American Commission it is said that "Finally the President thought the building of a railroad from Guayaquil to Quito would be a remunerative enterprise. The commerce of the country passes through Guayaquil, and it is the most advantageous point from which the interior can be reached. The road would be about 160 or 170 miles in length from the head of navigation on the Guayas River, and he estimated its cost at not over $4,000,000 in gold."

Communication between Quito and the Amazon is not difficult, and if opened up would no doubt make Quito a thriving city.

The Yaguache Railway, from Yaguache to Chimbo, 40 miles, with an extension from Chimbo to Sibambe, 50 miles, almost completed. This is the only railroad in operation in Ecuador, and is owned by the Government. The construction was begun in 1872 and the line opened to Chimbo in 1877; the original intention was to build to Quito on the north and Guayaquil on the south. A concession has recently been made for the construction of the line eastward from Yaguache to Duran, 14 miles, a point nearly opposite Guayaquil on the other side of the river.

A telegraph line from Guayaquil to Quito over this route was completed in August, 1884.

Other concessions have been granted for railways in Ecuador as follows: From the port of San Lorenzo to Ibarra, about 30 leagues, or 90 miles, the concession being for ninety-nine years, when the line reverts to the Government, and 6 per cent. being

guarantied; from Machala to Azogue and Cuenca; from Manabi (or Bahia) to Quito; and in the Province of Rios from Baba to Vinces and Puebloviejo.

A survey is reported to have been made on the Bahia-Quito line.

RAILWAY PROJECTS IN ECUADOR.

In 1885 the Government made a contract for the construction of a section of railway from Chimbo to Sibambe, 50 miles in length, an extension of a railroad built some fifteen years ago by the Government from Yaguache, the head of navigation of a river of the same name, to Chimbo. For the construction of this extension the Government granted to the contractor, for twelve years, the income derived by it from the monopoly of the sale of salt in the Republic, amounting to 200,000 sucres annually, and the right to the use for his own benefit of the whole line for twenty-five years, he agreeing to complete the extension in four years. This year the contractor assigned his contract to a company of this city, known as the Railway and Public Works Company, which is now engaged in grading the roadway. Only a few miles have been graded so far. The Government has no share in the management of any part of the road. The direction from Yaguache to Chimbo is north, and from Chimbo to Sibambe east. From Yaguache, 25 miles northeast of this city, to Chimbo, the road passes through a fertile country, only sparsely populated, the chief products of which are sugar and rice. Several large sugar estates and a few small cocoa plantations are on the line of the road. The population is almost exclusively agricultural. From Chimbo to Sibambe, the terminal point contracted for, the road will pass through a mountainous region for the greater part of the distance, reaching at Sibambe an elevation of 7,500 feet. The country to be tapped by this section produces cattle, wheat, barley, and in fact most of the cereals and vegetables of the temperate zones, but the population is sparse, composed mostly of Indians, who are very poor and ignorant, though peaceable and laborious. The land is fertile and capable of yielding abundant harvests.

Last year the Government granted a concession for a railway from Duran, a point across the river and nearly opposite Guayaquil, to Yaguache, 14 miles west by land, to connect at that place with the road to Chimbo. For this the contractor is to receive from the Government 20,000 sucres a mile, and to enjoy the free use of the road for twenty years, at the expiration of which term it is to become the property of the Government; until then the Government will have no share in its management. Work has been progressing for the past year, and it is expected that the road will be open for traffic in December next. It runs through a low, flat region of country, devoted principally to the pasture of cattle and abounding in tropical fruits. The population is sparse and composed mainly of Cholos, a mixture of white and Indian, who bring the vegetable and fruit supplies to this city.

With the completion of the two lines or sections there will be a railroad of 96 miles, connecting Guayaquil and Sibambe (the latter a town of 2,000 or 3,000 inhabitants), and from thence there is a wagon road north to Quito, but it is much out of repair, and no wagon, I believe, has ever passed over it. There is some remote probability of an attempt, after the line reaches Sibambe, to continue the railroad to Quito.

A concession and subvention were last year granted for a railroad from Bahia de Carequez, a port on the Pacific, to Quito, about 280 miles east of the proposed line, the person undertaking to build the road to receive the net income of the custom-houses at Bahia and Monta, amounting to 70,000 sucres a year, for ninety-nine years, and to have the use of the road for the same period. The Government is to have no share in its management. For some 30 miles from Bahia eastward the projected road is through a level, flat country. Afterwards it enters the Andes and passes through a mountainous region, almost uninhabited. Some little grading has been done near Bahia, but it is thought to be a very difficult and costly enterprise and one not likely to be carried to a successful termination, with the wholly inadequate means at the command of the contractor. (Report by Owen McGarr, U. S. consul-general, Guayaquil, Ecuador, July 27, 1888.)

PERU.

GEOGRAPHICAL FEATURES.

Peru is perhaps the best known of all South American countries. It is the seat of the ancient civilization of the Incas and contains some of the famous silver mines worked for so many centuries. It is divided by its mountains into three regions—the coast, the central plateau, and the Amazon region. The coast line of Peru presents an almost unbroken front of arid ridges of sand or bleak ranges of rock running some-

times to the sea, yet behind those ridges and between those bare mountains are valleys of unparalleled fertility, through which wind streams of water fed by the unfailing snows of the highest peaks, streams whose volumes and force abate as they reach the wall of sand toward the sea and in which they are finally lost. There are few rivers of the multitude along the western slope of the Cordillera that find their way unbarred by sand to the ocean. In these valleys the products of the field are exuberant and varied, corn, cotton, sugar-cane, alfalfa, rice, with grapes, apples, pears, peaches, and other fruits abound. The maturity of the crops depend upon the time of sowing and planting, so that they may be arranged to mature consecutively, thus keeping the mills always at work.

The mineral resources of Peru are very abundant. Silver is found throughout her territory, also gold, coal, copper, and many other minerals.

The country is very favorable for the raising of wool, and it is only necessary to mention the guano and nitrate deposits to complete the list of the almost unlimited resources of this wonderful country.

The plateau is an agricultural country broken by many ridges. In the south is a portion of the great basin of Lake Titicaca, the remainder being in Bolivia; the whole is entirely surrounded by hills, thus cutting off all escape for its waters. North of this basin, in the valleys, flow the tributaries of the Amazon; on the plateau they flow due north, and then, escaping through the ridges, pour their waters into the Ucayali, the Huallaga, and the Maranon. These again, increased by the streams rising upon the eastern slopes of the Cordillera, enter the Amazon.

The greater portion of the population live on the central plateau, the Province of Janja being the most thickly inhabited.

The Amazon provinces are thickly covered with vegetation, and are thinly inhabited. They are traversed in all directions by water-courses; the climate is mild, and the soil extremely fertile. In this country lies the head of navigation of the Amazon, beyond which the ways open to traffic are few, consisting of mule-paths almost impassible during the rainy season. The early Spaniards built extensive roads through the plateau, and it is said that the "Royal Highway" traversed the country from north to south. Along the coast there are also good roads, but across the mountains there are few passages. Several routes are used from the coast to navigation upon the Amazon, as previously mentioned, via the Maranon, Chachapoyas, and Huanuco, besides which there are no doubt others to reach the Purus and the Beni.

To overcome the difficulties of transportation and to give a market for the extensive mineral products railways have been extensively built and projected. The first efforts were towards the coast, and resulted in the construction of the Mollendo and Arequipa and the Callao and Oroya Railways; but recently others have been projected not only to the Pacific, but also to the eastward to reach the Pachitea, the Ucayali, and the Purus.

RAILWAYS.

Beginning at the north the railroads are as follows:

Payta to Piura, 63 miles; gauge, 4 feet 8½ inches; owned by the Peruvian Government; construction begun in 1872; total cost, $2,000,000. An extension of this line to a point on the Amazon River called Limon, passing through the provinces of Huancabamba and Jaen, and forming a route which is claimed to be the shortest yet projected in South America, between the Atlantic and the Pacific, was originally contemplated by the Government, and preliminary surveys were made; but owing to the recent disturbed condition of the country the project has practically been abandoned. Near Tumbez, about 20 miles north of this road, is the petroleum region, producing oil of good quality. East of it is a great sugar region.

Pimental Railway, from Pimental to Chiclayo, with branches to Lambayeque, Muchumi, Tuouma, Picsi, and Ferranafe; total length 45 miles, of which 30 miles are completed. This company has no subsidy, but has a monopoly for twenty-five years.

The completed portion, of narrow gauge, has been opened for several years, and cost about 1,000,000 soles. It passes through a rich sugar and cotton country extending along the coast about 100 miles and 60 miles inland.

Eten and Ferranafe Railroad, from Port of Eten to Ferranafe, 50 miles. The original concession was made July 3, 1867, to José A. Garcia y Garcia, and transferred by permission of Government, October, 1867, to a stock company. The road is of standard gauge and was opened in 1873.

Pacasmayo and Magdalena Railroad, from Pacasmayo to Guadelupe and Yonan, 93 miles. This road was built of standard gauge, and is owned and operated by the Government. An extension is proposed to Cajamarca, where it touches a beautiful grazing and farming country; it could be extended to the Amazon via Chachapoyas and Moyobamba. A portion was destroyed by freshets, because it had been located near the river, in which there is a tremendous current in the winter. Near its present terminus are rich silver mines.

Salaverry and Trujillo Railroad, from the port of Salaverry to Trujillo, capital of the Department of La Libertad, 85 miles. This road, of 3 feet gauge, was built by the Peruvian Government and opened about 1875. There are some coal mines farther on, and it is proposed to extend the road to them, but it can have no eastern outlet.

Chimbote Huaraz and Requay Railroad, Chimbote to Requay, 60 miles; gauge, 3 feet. The total projected length is 172 miles. The construction of this road was begun in 1870 by the Peruvian Government, which owns and operates it. It runs through a broken, heavy country, and touches what is said to be one of the richest mineral regions in Peru, there being silver and mineral coal beds on the line. The coal is bituminous and valuable for steam and gas; the supply is said to be sufficient for the whole Pacific coast, while the harbor of Chimbote is probably the best south of Panama.

Lima, Ancon, and Chancay Railroad, from Lima to Chancay, 43 miles; gauge, 1 meter. This road forms the first and second sections of the Lima and Huacho Railroad. It runs north from the right bank of the Rimac River (which flows through the center of the city of Lima), following and nearly parallel to the coast. It was built by a stock company and was originally projected to run to Huacho, about 25 miles beyond Chancay, but no work has been done on the last section for many years. The concession was afterwards annulled and the road acquired by the Government. Its total cost was $2,600,000.

Lima and Magdalena Railroad, from Lima to Magdalena, 5 miles; gauge, 1 meter.

Callao, Lima, and Oroya Railroad, from the port of Callao to Chicla, 86.5 miles; gauge, 4 feet 8½ inches. The construction was begun in January, 1870, by the late Henry Meiggs, under a contract made in December, 1869, with the Peruvian Government, which called for the completion of the whole line, Callao to Oroya, 135.8 miles, in six years. The contractor was to receive $27,600,000 for the building of the line, which then was to become the property of the Government. The road presents some of the most remarkable engineering achievements in the world. Over sixty tunnels, or an average of about one in every 2 miles, pierce the mountain in its path. Among these the most remarkable is the Galera, or Summit, Tunnel, 104.5 miles east of Callao, which is nearly 4,000 feet long, and is 15,645 feet above the sea-level. At Mount Meiggs the road reaches its highest elevation, 17,574 feet, from that point descending the eastern slope of the Andes to Oroya, 12,257 feet above sea-level. In addition to the large number of tunnels there are also about eighty bridges, the most important being the Agua de Verrugas Viaduct, 576 feet long and 253 feet high, constructed on the Fink truss plan.

In consequence of the great engineering difficulties which attended the construction of this line its cost greatly exceeded the original estimates, and when the road reached Chicla, to which point it has been opened for several years, the funds applicable to its construction had been exhausted.

A contract was made by the Government in 1885 (a copy of which is found in the Report of the South American Commission) with M. P. Grace to construct a railway between Oroya and Cerro de Pasco, which at the end of ninety-nine years shall revert to the Government. This contract included the unconstructed section of the Oroya Railway between Chicla and Oroya. The company was also to have the preference in the construction of railways from any part of the line from Chicla to Tarma and Chanchamayo. The section from Chicla to Oroya was to be completed in four years from the date of the contract, with a penalty attached for its non-completion.

All articles necessary for the completion and operation of the line were to be imported free of duty. To complete it to Oroya and Cerro de Pasco is 85 miles, and of this part much of the heavy work and tunneling is already finished Cerro do Pasco is the heart of the mining region. There is an immense basin 2½ miles in length and about 1½ miles in width, in which hardly a shovelful of earth can be turned without silver.

The highest point on this road is 15,684 feet, and the mines themselves are 14,300 feet above the sea.

This company owns the Cerro de Pasco Railway, running from the mines to their mill and the surrounding estates, used for the transportation of freight and passengers. The total projected length was 22 miles, of which 9 are built. The estimated cost was $1,300,000, upon which the Government guaranties 7 per cent., and work was begun in 1869, under a contract with Henry O. Wyman & Co.

It is proposed to extend this road to a point called Chanchacayo, the head of steam navigation on the Amazon, and preliminary surveys have been made. The entire distance from Callao to this point is only 210 miles.

A branch of the Oroya road has also been projected to Jauja.

Another railway to form a connection with the Oroya road has been surveyed under Government supervision from Cerro de Pasco to Port Salvation, 204 miles distant, on the river Pichis, a stream flowing into the Pachitea, one of the Peruvian headwaters of the Amazon.

Lima railways, from Callao to Lima, 8.5 miles, and from Lima to Chorillos, 9 miles; gauge 4 feet 8½ inches. These lines are owned by a British corporation, registered in 1865, to acquire and work two railways held under concessions from the Peruvian Government, the first section (Callao to Lima) of which was built by local capitalists under a concession granted in 1848, and the second (Lima and Chorillos) built by local capitalists under a concession granted in 1855. Original cost of both $1,200,000.

Pisco and Ica Railroad, from port of Pisco to Ica, 46 miles; with a branch to Macacona, 1 mile; gauge, 4 feet 8½ inches. This line was built by a private company, but afterwards purchased by the Peruvian Government. Its cost, $1,450,000, is represented by bonds bearing 7 per cent. interest, which has been in default since 1875. The road was formerly leased by Señor Boza.

At Ica there is a rich mining and agricultural region, silver, gold, and copper being found, but the great mineral product is iron. This valley is famous for its grapes, and is also prolific in other fruits. The mountains would make it difficult to extend this line to the eastward, but if extended to the southward it would pass through a very rich region. No surveys, however, have been made for this purpose.

Mollendo and Arequipa Railroad, from the port of Mollendo to the interior city of Arequipa, 107 miles, where connection is made with the Arequipa, Puno and Cuzco Railroad. The construction was begun in 1868, and the line was opened in 1870. The road was located by John L. Thorndyke, of New York, and is owned by the Peruvian Government, by whom it was originally leased to Henry Meiggs. The total cost was $2,000,000. The guage is 4 feet 8½ inches, and the rail steel, 63 pounds to the yard. The maximum grade is 4 per cent.; the minimum radius of curves 352 feet.

Arequipa, Puno and Cuzco Railroad, a continuation of the above line from Arequipa

to Puno, 217.6 miles, and from Juliaca to Santa Rosa, 82 miles, with sidings, etc., 41.5 miles. The gauge is 4 feet 8½ inches, the rail steel, 60 pounds to the yard; the heaviest grade, 4 per cent. The Puno division was opened in 1874, and the Cuzco division from Juliaca, in 1875. The latter was originally projected to Cuzco. A line of steamers on Lake Titicaca runs in connection with this railway from Puno to Chililayo, in Bolivia, 120 miles.

This road is owned by the Peruvian Government and was originally leased and operated by John L. Thorndyke, but by a recent contract it has been leased to M. P. Grace & Co., and is to be extended to La Paz in Bolivia.

Ilo and Moquegua Railroad, from the port of Ilo to the interior town of Moquegua, 63 miles, running through one of the richest wine-producing districts in the country. It was located by John L. Thorndyke, the construction begun in 1871, and opened in 1873, having cost in all $5,025,000. It is owned by the Peruvian Government. Gauge 4 feet 8½ inches.

In the work on the railways of Peru submitted with the report of the delegate from that country lines of railways between various parts of the country are discussed. Among the roads proposed, in addition to those above named, are the following:

From Chancay (on the Lima, Ancon and Chancay Railroad) to Cerro de Pasco; from Ica (Pisco and Ica railroad) to Ayacucho in the interior; from Tacna (on the Chilian road between Arica and Tacna) to Puno; from Trujillo (Salaverry & Trujillo) to Cajamarca and Eten.

On January 11, 1890, the Peruvian Government signed a contract with the Grace bondholders ceding for sixty-six years the railways from Mollendo to Arequipa and Puno, Juliaca to Santa Rosa, Pisco to Ica, Callao to Chicla, Lima to Ancon, Chimbote to Seechiman, Pacasmayo to Yonan and Guadalupe, Salaverry to Trujillo, Paita to Piura, with all the necessary land for their extension. The work contemplated is, first, the extension and repair of the existing railways at an estimated cost of $3,212,000, the extension of the Arequipa Railway from Puno, its terminus on Lake Titicaca, to Desaguadero, on the Bolivian frontier, by a narrow-gauge line; and second, to continue the line from Desaguadero to La Paz and Oruro, in Bolivia, at an estimated cost of $3,150,000. The existing revenue from railways is $6,300,000, which is to be available to the bondholders. Another concession in their hands empowers them to connect the Oroya Railway with the navigable waters of the Amazon by 180 miles of narrow-gauge road. Along with the contract mentioned there are cessions of valuable guano deposits.

PERU IN 1887-'88.

Foreign capital and enterprise are indispensable for the advancement of this country materially and in the way of business. The natural resources of Peru as regards mining, agriculture, wine growing, and cattle raising are unlimited, but find here no sufficient elements for their proper development, owing to inability of the Government to lend assistance and the general poverty everywhere experienced. And that capital and enterprise, certain to be richly rewarded, is withheld doubtless from the distrust entertained by foreigners as to the guaranties afforded to them in the investment of their means and the recent proceedings regarding certain railway contracts, based upon legal dispositions and perfected with properly-constituted Governments, are certainly not calculated to dispel such distrust. Some adventures of foreign capital have been made in mining enterprises. The famous silver mines of Hualgayoc, in the vicinity of Cajamarca, are now to be worked by an American company said to be well equipped with the means of successfully developing their undertaking, and the gold washings of Carabaya, near Arequipa, are in the hands of a responsible organization formed in London by the late Admiral Garcia y Garcia.

The Lima Railways Company, an English organization, recently sent to Peru the president of their board of directors, and this gentleman has been engaged in investigating the advantages of continuing the line connecting Lima with Chorilla to Pisco and Ica, 120 miles down the coast. This railway has been the subject of consideration for years past, and the general opinion is that from the immensely fertile region it would traverse, from whence the Lima and Callao markets could be

cheaply provided with provisions and meat, the undertaking would prove to be the most profitable, more particularly as the engineering difficulties to be surmounted are not formidable. No proposition has as yet been made to the Government, the decision of the London board having first to be heard; but it seems probable that the undertaking will be commenced. Owing to the complete service on the coast offered by steamers, the railways constructed or projected in Peru have had a route leading from the ports inland, and this possible departure from the customary plan is regarded with much interest. Another proposed railway has been surveyed, under Government supervision, from the Cerro de Pasco to Port Salvation, on the river Pichis, a stream flowing down to the Pachitea, one of the Peruvian headwaters of the Amazon. The road, if constructed, offers no especial difficulties, and would form a connection between Cerro de Pasco, the ultimate terminus of the Oroya Railway, and a point on the Pichis, 204 miles distant, where steamers drawing 3 or 4 feet of water can readily arrive, and then proceeding down to the Pachitea, carry the valuable products of that region, principally India rubber, dye-woods, fruit, etc., to markets on the Amazon and beyond. This road, when completed and connecting with the projected prolongation of the Oroya to the Cerro de Pasco, would open up the rich Amazonian region to enterprise from this portion of the Republic, communication between the two points at present being so difficult of accomplishment and so expensive as to prevent all profitable trade.

During the past year the Government at Lima has formed several military colonies composed of half-pay officers and veteran soldiers, which have proceeded to the country near the Pachitea for the purpose of founding settlements and opening up those districts to commerce. The information received from these expeditions corroborates the general descriptions regarding the natural wealth of those sections, and the Government is aiding the colonists with the limited means at its disposal.

The development and prolongation of the great railways, upon which such large amounts of money have been expended, depend upon the action to be taken by Congress regarding the proposals made by the bondholders of Peru abroad, whose capital has been employed in the undertakings, to the Government at Lima. To the general disappointment, and as the department was duly informed, this proposal, known as the Grace-Aranibar contract, was not acted upon by Congress at its last session owing to certain animadversions made against several of the clauses by the Government of Chili, and although the President at the opening of the Congress now in session did not refer to the contract in his inauguratory message, his silence is explained by the official journals of Lima from the circumstance that as not only the Chilian but the British Government has interested itself in the matter, the communication made by the Executive to the legislature, or to be made, must be of a reserved character. On the successful issue of this contract depends, it is believed, the future progress of Peru. Should it be ratified, the necessary capital for the completion of the railways would be furnished by the bondholders, who thus seek to promote their interests, becoming the holders of the roads for a long period of time and giving a participation of profits to the Government, and at the same time giving an opportunity for labor and assuring the industriously inclined of lucrative occupation. Before closing this dispatch it may be possible to report some action of Congress regarding the important matter.

Numerously-signed petitions from different portions of the country have been presented to the Government, urging the adoption of this contract, but, as has been stated, we are in ignorance at the present moment of its prospects of success. The British minister at Lima received information from his Government a short time since to the effect that Great Britain could not entertain the conditions desired by Chili which, it is thought, were of a nature seeking to introduce some dispositions regarding the territory of Arica and Tacna, held by Chili for a period of ten years, into a contract purely mercantile in its character, and the English cabinet desired Peru to be made acquainted with the favorable views it entertains respecting the proposed contract, by which the interests of British creditors would be assured and those of Peru certainly advanced. (Report by United States Consul Brent, Callao, June 30, 1888.)

BOLIVIA.

The topographical features of this country are much the same as those of Ecuador and Peru, so far as the plateau and the eastern slopes of the Andes are concerned. The Cordillera of the Andes is divided into two parts, between which lies the basin of Lake Titicaca, Lake Poopo, and their tributary streams. This basin has an altitude of 11,000 to 13,000 feet above the sea, and is 500 or 600 miles in length and from 60 to 150 miles in width. It is so surrounded by mountains that no water escapes except by evaporation. On its southern edge is situated the city of Potosi, the highest in the

world. Among other cities in Bolivia are La Paz, 60,000; Cochabamba, 14,700; Sucre, 15,500, and Oruro, 8,000. In this State are the richest silver mines in the world.

On the eastern slopes of the Andes sources of the Amazon flow northward across the plain of Mojos and of the La Plata flow southeastward into the Atlantic. Of these are the Beni, Mamoré, and the Guapore flowing northward into the Madeira; the Pilcomayo and its tributaries emptying into the Paraguay. The plain of Mojos merges into the table-lands of Matto Grosso in Brazil, which separate the sources of the Amazon from those of the Paraguay and Parana. Canoe navigation is carried into the heart of the country; other transportation is by mules, for there are few roads that can be used by wheeled vehicles, especially during the rainy season. The falls of the Madeira alone prevent large boats from ascending the Mamoré a long distance; to overcome this a railroad has been projected around them in Brazilian territory. The principal road extends from Puno in Peru to La Paz, the capital of Bolivia, proceeds southward near the shores of Lake Aullagas through Oruro to Potosi and thence to Tupiza, with branches to Sucre, Cochabamba, and other cities.

Exports find their way out of the country to the eastward by the water-courses, on the north by Lake Titicaca and the Peruvian Railroad to Mollendo, on the west and south by land transportation.

RAILWAYS.

It will not be long before Bolivia will have an extensive railroad system. The railway, of narrow gauge, from Antofagasta has just been completed to Uyuni, 379 miles. The same company has contracted for the prolongation of this line to Oruro, a distance of about 198.5 miles. The Government has guarantied an annual interest of 6 per cent. upon a capital of about $3,000,000. Uyuni is about 16 miles from Huanchaca, 125 from Potosi, and 217 from Sucre.

A railroad is projected from Tacna, the terminus of the Arica-Tacna Railway, to Corocoro or to La Paz, about 250 miles. This will be difficult of execution because of the abruptness of the mountain slopes; at present there is a mule road between these points, over which much traffic passes.

A concession has been granted for the extension of the Arequipa-Puno Railway in Peru, to Desaguadero, and from there to La Paz, the capital of Bolivia. It is to be extended to Oruro, where it will join the line from Antofogasta. From Oruro a branch is projected to Cochabamba.

The Central Northern Railway of Argentine is to be extended from Jujuy to the Bolivian frontier, whence it will be easy to continue it to join the Bolivian line at Uyuni.

Another important project is for a railway from the Paraguay River to Santa Cruz and Sucre.

Besides these lines, which have the important object of giving outlets for traffic beyond the borders of the State, there are minor projects which while serving the same purpose are of great value for internal commerce, as follows: From Santa Cruz to the Rio Grande, from Cochabamba to the Rio Chimoré, and from La Paz to the river Beni. There is a line of telegraph from the Argentine frontier through Potosi, Sucre, Aruro, and La Paz to Chililayo on Lake Titicaca, and another to the Pacific coast.

Till within a few years, the vast agricultural and mineral resources of the country were entirely dormant for want of means of communication, but more recently an attempt has been made to construct roads and railways. The silver mines of Potosi alone are estimated to have produced 600,000,000 sterling from their discovery in 1545 down to 1864. The Indian rubber supply of Bolivia is of the finest quality and almost inexhaustible. Cocoa is one of the most important products of Bolivia; in 1884-'85 the quantity derived was valued at £343,660; and cinchona is another important culture; a report of the United States consul, referring to 1884-'85, estimates the number of trees at five millions and the quantity of bark produced in the year at 200,000 pounds. (Stateman's Year Book.)

Besides those mentioned other exports are coffee, copper, tin, and cubic niter. Two-thirds of the exports consist of silver.

CHILI.

This country, consisting of the territory between the mountains and the Pacific coast from Peru southward for about 1,800 miles, has been well covered by railways, and was the first of South American countries to build them, having opened the one from Caldera to Copiapo in January, 1852. The first railways were built from the sea-coast towards the interior, and afterwards extended in all directions until the country is united throughout. This is strictly true for the southern part, and in the north a railway is projected which will give almost unbroken communication throughout the entire State. Two transandine lines are under construction and will be finished at an early day, one from Valparaiso, across the Uspallata Pass at an elevation of 10,600 feet, with a tunnel several miles in length, to Mendoza and thence to Buenos Ayres, 870 miles, the other from Zumbel in Chili to Bahia Blanca. To these might be added the Antofogasta line, which will soon be completed to Huanchaca in Bolivia, where it will join the line under construction from Buenos Ayres, thus forming a transcontinental line. Another has also been spoken of from San Antonio on the Copiapo Railway, crossing the Andes at 27 degrees south longitude, following the Jorquera, Turbes, and Cachelos Rivers, ending at Pucha Pucha on the Argentine frontier, and another from Conception to Buenos Ayres.

On the line now being constructed, the grade in some portions is 422 feet per mile, to overcome which the Abt rack-rail system is to be used.

A table is given in the report of the delegate from Chili, from which I extract the following:

Lines of railroad built and owned by the state.

Termini.	Kilometers.	Average cost per kilometer.
		Gold.
Santiago to Valparaiso	187	$69,781
Santiago to Curico	185	32,171
Curico to Chillan	210.9	28,412
Chillan to Talcahuano	187.5	26,436
Andes Branch	45	22,783
Palmilla Branch	39	9,820
San Rosendo to Angol	73	28,070
Angol to Traiguen	72	55,982
Santa Fé to Los Angeles	22	28,070
Renaica to Fort Victoria	75	55,982
Robleria to Collipulli	42	.....
Chanaral to Animas and Salado	60	5,842
Total (743 miles)	1,198.4	

The total receipts for 1887 were $6,349,621.20 and the expenses $4,197,250.66, leaving a clear gain of $2,152,370.64.

Of private lines there are quite a number, aggregating 1,000 miles, and the Congress has recently approved a contract made by the executive with Mr. Newton B. Lord for the construction of ten lines, aggregating 608.84 miles, the total cost of which will be about $17,500,000, the average cost per mile being $28,700, more or less. I have found a description of these in the Engineering News which is here given in full:

THE NORTH AND SOUTH AMERICAN CONSTRUCTION COMPANY IN CHILI.

The roads which are to be constructed by the North and South American Construction Company are briefly analyzed as follows, beginning at the most northerly one, by Col. S. H. Lockett, who was one of the representatives of the syndicate in securing the concession.

(1) Road from Huasco to Vallmar, 1-meter gauge, 50 kilometers long; starts at the port of Huasco, a village of about 1,000 inhabitants, lying on a bluff near the

mouth of a small river, whose waters coming from the melting snows of the Andes sometimes find their way to the sea, but are generally exhausted in irrigation or lose themselves in the sandy river-bed. Huasco has quite an extensive copper smelting works. The harbor or roadstead is fairly good, but a mole is needed, and is one item of the specification for the railway. The road runs up a level, cultivated valley with but very slight irregularity of surface, crosses the river once on an unimportant bridge, terminates at Vallmar, a town of between 5,000 and 6,000 inhabitants; climate good; valley fertile and fruitful.

(2) Road from Ovalle to San Marcos, is 1-meter gauge, 60 kilometers long; is prolongation of a road now in operation from Coquimbo to Ovalle, a town of 5,500 souls. The roads follow the valley of the Limaré River, cutting across the spurs of hills, giving rise to some deep, but not long, excavations and fills; considerable amount of rock cutting, but nothing that would be called difficult work; one important bridge across the Limaré River of 210 meters length; numerous small bridges, culverts, and drains across the irrigation canals, and small runs from the side hills; climate good; valley fertile. Coquimbo, the landing place, is considered the best port of the entire coast.

(3) Road from Los Vilas to Illapel and Salamanca, starts from the port of Los Vilas, where there is a mole, takes a sharp curve around a lake back of the port and returns to the coast, skirts along the coast, crossing sand dunes and mouths of gulches, coming around or cutting through rocky head lands till it arrives at Huantelauquen, a distance of 5.19 kilometers. This is a somewhat difficult portion of the line to construct, and will be more difficult to keep in good condition.

At Huantelauquen the road turns up the narrow valley of the Choapa River, one branch following this river to Salamanca, the other to Illapel on a stream of the same name. Both streams have rocky spurs to be skirted or cut through. There will be gradients of 2 per cent. and numerous curves, so that the entire line may be designated as "heavy work." The valleys are fertile and the mountains rich in silver, copper, and gold; climate good. There will be two bridges of 60 meters span, one of 40, and numerous smaller ones.

(4) Road from La Calera to La Ligua and Cabildo, 77 kilometers, 1-meter gauge, starts from La Calera on the Valparaiso and Santiago line, crosses the Aconcagua River on a bridge of 200 meters length, and follows the valley of the Melon 16 kilometers; winds up the "quebrada" (cañon) of Collague until at the twenty-fifth kilometer it is 495 meters above the level of the sea; here crosses the Sierra del Melon by a tunnel nearly 1,000 meters long; winds down the northern slope of the Sierra and reaches the valley of La Ligua at an altitude of 69 meters above sea level, then follows the valley on an easy line to its terminus at Cabildo. The gradients in crossing the "divide" are as high as 3 per cent.; curves are numerous; one hundred and twenty-three culverts and small bridges, one bridge 200 meters long, and three others of minor importance. Being in the heart of Chili, the line has favorable conditions for securing labor, plant, etc. The heaviest work of all the lines is on this one.

(5) Road from Santiago to Melipilla, 59 kilometers long, 1.68-meter gauge, follows the rich fertile valley of the Mapocho River, presents no difficulties, has one bridge of 252 meters in length.

(6) Road from Palmilla to Alcones; 45 meters long, 1.68-meter gauge; is a prolongation of a branch of the main trunk line south, runs through a level and undulating country; presents no points of difficulty or of special interest. It is proposed to continue this ultimately to the coast, having Pichilemo for its terminus; this extension will cross the coast range and bring in some tunneling and other varieties of mountain work.

(7) Road from Talca to Constitucion, 85 kilometers long, 1-meter gauge; starts from the important inland city of Talca, follows the river Maule on its north bank until it has reached a point nearly opposite to Constitucion, at its mouth; crosses the river by a bridge 280 meters long, which is much the most difficult work of the line. Following the sinuosities of a crooked stream, sharp curves are numerous, and deep, short cuts and corresponding fills of frequent occurrence, with considerable rock work. One tunnel 90 meters long is encountered.

(8) Road from Pelequen to Peumo, 35 kilometers long, 1.68-meter gauge, is a branch of the main trunk line running through a level country, having nothing of interest except a bridge across the Cachapoal River of 360 meters length.

(9) Road from Coihue to Mulchen, 43 kilometers long, 1.68-meter gauge; a branch of the main trunk line running up the valley of a small stream with no elements of difficulty

(10) The road from Victoria to Valdivia and Osorno, 403 kilometers long, 1.68-meter gauge.

This is the prolongation of the grand central trunk line, follows the trend of the central valley, generally avoids hills and rough ground, but crosses numerous small streams and many of considerable size. About 20 miles from Victoria it enters the southern forest, a region comparable to the great forests of Oregon. Considering the

length of the line, the grading work will not be very heavy; but one short tunnel occurs, but the amount of bridging is proportionately very great. In addition to numerous small bridges, culverts, open and arched drains, there are forty-one principal bridges, varying between 50 and 250 meters in length, and ranging in height from 4 meters to 38 meters. The climatic conditions will present some difficulties, as the rains are copious and the rainy season prolonged.

The labor question will be one of considerable importance in the execution of works of such magnitude in a country whose population is only 2,500,000 people. But the liberality of the Government in providing for the introduction of foreign laborers and artisans has done much towards a solution of this problem. It might be mentioned here that a prevalent soil in Chili is the so-called *tosca*, or "hard-pan" of the United States.

Taking all things into consideration, there seems to be every reason for believing that the contract just made between the Chilian Government and the North and South American Construction Company will be fulfilled in the specified time of five years, to the honor and credit and profit of both parties.

When these are constructed the north and south line will extend, with the exception of one or two short breaks, for a distance of about 1,450 miles.

The following is a brief account of the private lines:

Angelo Chilian Nitrate and Railway Company.—This British corporation was registered in 1888 to acquire nitrate grounds in the Province of Antofagasta, and to construct railways and other works. By the terms of the contract the entire line from Tocapilla to the nitrate grounds, 60 miles, was to be opened to traffic by December 29, 1889.

Antofagasta and Bolivia Railway Company, formed for the purpose of acquiring from the Compania Huanchaca, de Bolivia, the concessions granted by the governments of Bolivia and Chili for the construction of railways and telegraphs from Antofagasta to Huanchaca, 395 miles, via Salinas, El Dorado, to the village of Calama, hence eastward to the borate deposits of Ascotan on the frontier of Bolivia, and thence to the silver mines of Huanchaca. The whole of the Chilian section, 272.8 miles, has been opened for traffic, and it was expected to complete the whole line in October, 1889. This line is to connect at Huanchaca with the Argentine line from Buenos Ayres, and will be extended to Potosi and Oruro, connecting there with the Peruvian line from Puno.

Arica and Tacna Railway, from the Port of Arica to Tacna, 39 miles, opened in 1854. This road is situated in territory acquired from Bolivia by the treaty of 1883.

Antofagasta Nitrate and Railway Company.—Projected line from Antofagasta to Chonchi, 185 miles, with branches, extensions, etc., 20 miles. The gauge is to be 2 feet 6 inches.

Antofagasta and Aguas Blancas.—A contract was recently signed by the Government with Mr. George Phillips for the construction of a railway with 1-meter gauge between these two points, and which is to pass through all the nitrate works between them, with branches to any others that may be established hereafter. Plans are to be submitted to the Government within three months, and work is to be commenced within four months after their approval.

Carrizal and Cerro Blanco Railway, from Carrizal to Yuerba Buena, with a branch from Canto del Aqua to Carrizal Alto, and other branches making the total length 50.2 miles. The extension up the Jarilla Valley, 20 miles, was completed in 1886. This road is owned by a British corporation formed in 1880 by the consolidation of the Carrizal Railway and the Cerro Blanco Railway.

Copiapo Railway, from Caldera to San Antonio, 93.6 miles, with branches from Pabellon to Charnacillo, 24.6 miles; from Paipote to Puquios, 31.6 miles; total, 150.0 miles, with sidings, etc., 19.2 miles. This is the pioneer road of the southern hemisphere. The company was organized in October, 1849, and the road was opened to Copiapo in January, 1852; to Pabellon, January 1, 1855, and to San Antonio, February 1, 1867. In 1868 the Charnacillo branch was purchased, and on January 20, 1871, the Puquios branch was opened. This road has been very profitable.

Coquimbo Railway, from Coquimbo to La Serena and La Compania, 9.3 miles; and

from Coquimbo to Ovalle, with branch to Panulcillo, 76.3 miles. This road was opened to Las Cardas and La Compania in August, 1862. Gauge 5 feet 6 inches.

Elqui Railway, from Serena to Elqui, 48.4 miles, opened in 1883. Gauge, 1 meter. Uses tracks of Coquimbo Railway from Serena to Compania, a third rail having been laid for that purpose between those points.

Laraquete and Moquegua Railway, from Laraquete to the coal mines of Quilachanquin and Moquegua, 24.8 miles.

Mejillones Del Sur and Cerro Gordo Railroad, from Mejillones to Cerro Gordo, 18 miles.

Patillos Railway, from Patillos to Salibreras Del Sur, 57.7 miles, projected to Lagunas, 10.5 miles further; total, 68.2 miles. This road is owned by a British corporation, and was built in 1872. Gauge, 2 feet 6 inches.

Pisagua Railway, from Pisagua to Tres Marias, 54.8 miles, with branches to Agua Santa and Puntunchara and sidings; total, 65.7 miles.

Iquique Railway, from Iquique to Tres Marias, 67.7 miles, with branches to Virginia, 19.2 miles; to Bodegas, with sidings; in all, 120.3 miles. This road connects with the Pisagua Railway. Both of these lines were built about twelve years ago, by private capital, to develop the nitrate mines. Guage, 2 feet 6 inches.

Taltal Railway, from Taltal to El Refresco, 18 miles. Branch projected to the Arturo Prot mines. Sidings, 3 miles. This road is owned by a British company, incorporated in 1881. Construction was begun in December, 1880, and the road opened October, 1882.

Tongoy Railway, from Tongoy to Tamaya, 33.1 miles; Tongoy to the smelting works in Tongoy, 1 mile; total 34.1 miles. Gauge, 3 feet 6 inches. This road was built in 1867, by a Chilian corporation established in 1865. An extension from Cerrillos to Ovalle, 20.5 miles, was projected and has been surveyed.

The South American Commission, in their report upon Chili, state that the experiment of governmental management of railways has not been a success. They also say that nearly all the railway supplies are obtained from the United States.

W. C. Quinby stated, in the testimony given before that Commission, that a road had been surveyed from Colon to Bogota, thence to Quito and Cerro de Pasco, and down to Cuzco and Argentine; that it was a preliminary survey, made probably from the maps and water-courses. He thought it would never be built.

AMERICAN RAILWAY BUILDERS IN CHILI.

The most interesting feature I have to report on this occasion, in connection with United States affairs here, is the letting of a Government contract for the construction of about 1,000 kilometers of railway to an American syndicate. The contract price is about £3,500,000, but, unfortunately, the agreement has been seriously affected by a sudden and unexpected advance in the price of exchange on London. When the contract was signed exchange fluctuated between 25*d* and 26*d*; but since then it has touched 30*d*, and is now fluctuating between 28*d* and 29*d*. It is estimated that an exchange of 30*d* would cause a loss to the contractors of about $3,000,000, and negotiations on an exchange basis to provide against a contingency, have been opened between the representatives of the syndicate and the Government. It is understood that the President of the Republic is desirous of making equitable concessions, and if this matter can be satisfactorily arranged there will be nothing, after the stipulated security of $1,000,000 for the fulfilment of the contract is deposited in this country, to hinder the contractors from commencing operations at once. The rolling stock for the new lines is to be mostly of American pattern, and, therefore, the probabilities are that this class of materials will be mostly procured from the United States.

This fact and these circumstances would seem to invite the attention and enterprise of our unequaled car builders. (Report by James W. Romeyn, U. S. Consul, Valparaiso, Chili, December 15, 1888.)

CHILIAN LOCOMOTIVES.

I have referred incidentally to the building in Chili of certain locomotive engines and cars for the State railways. I had lately the satisfaction of visiting and inspecting unofficially, of course, the extensive works of the contractors for the six locomotives,

Messrs. Lever, Murphy & Co., at Caleta Abarca, about 4 miles from this port. Mr. Lever is an Englishman, though formerly a resident of San Francisco. The firm have large capital, have been long established, and have done a great deal of work in repairs on United States vessels of war.

The wages of their employés, about four hundred and fifty in number (some 70 per cent. of native birth, the others English, Scotch, and Irish), run as high as $7, Chili money (nearly $4 gold), per day. The locomotives (two still in the shops in a forward state, the four others contracted for having been delivered, the first in December last) are entirely constructed here with the exception of the wheels, which are of English manufacture. The contract price was $40,000 each, about $21,000 gold. Eighteen months were allowed for the construction of all. The general design is the American with the American bogie, and with cylinders on the outside, instead of on the English plan. These cylinders are relatively larger than ours, 17 by 24. Certainly, the American engine is much the better adapted to the sharp curves of those mountain roads.

The machinery used by the constructors for this and other of their metal work is English; that for wood-working from the United States. Their steel is imported from England; pig iron for castings, from Scotland. Through the kindness of Captain Saukey, an Englishman, but holding the appointment in the Chilian Naval Service of Inspector General of Machinery, I had the opportunity of inspecting the new steel boilers in construction at the same works for the Chilian steam corvette *Pilcomayo*, a wooden vessel built in England, captured from Peru in the late war. The contract price for these boilers (two) is $52,000 paper currency, about $27,000 gold. (Report by Jas. W. Romeyn, U. S. Consul, Valparaiso, Chili, February 29, 1888.)

ARGENTINE.

This country is level except in its most northern and western parts, which perhaps, as much as any thing else, has contributed to its wonderful railway development. The other prominent factors are the energy of its people and its great resources.

Its railway system is more complete than that of any other South American country, for all parts of the country are in communication with each other, and as far as international lines are concerned this development is complete.

Radiating from Buenos Ayres the railroads traverse the country north, south, east, and west. They touch the eastern coast at La Plata, Mar del Plata, and Bahia Blanca. The western boundary is already crossed to unite with the Chilian railway from Valparaiso, and projects have been formed to unite at other points with the Chilian railways from Copiapo and La Conception. In the north the Bolivian frontier will soon be reached from Jujuy. At Corrientes and Posadas connection will be made with lines in Paraguay, at Monte Caseros with Brazilian lines, and at Concordia with those of Uruguay.

A very noticeable fact is that English and French capital, and more especially the former, has produced this wonderful development. This may be truthfully said of all South American countries, except Peru and Colombia. Not because there is a prejudice against North Americans, but probably on account of the indifference exhibited by capitalists to the great field which is open to them; and perhaps this should not be called indifference, for capital so far has always found an outlet in our own country.

As an evidence of this, I append a copy of a letter published in the Railway Age of February 22, 1890:

ARGENTINE REPUBLIC, SOUTH AMERICA,
National Hotel, Buenos Ayres, January, 1890.

[Correspondence of The Railway Age.]

In my last letter to you I remarked that I would like to see a railroad built and operated in this country by North Americans; that I could see no reason why the capitalists of North America should not invest their funds in this country, as the English are now doing, as their chances are just as good—even better. Here is a country whose soil and climate are unsurpassed; a country rapidly filling up by immigration. The statistics show for the year an immigration increase in the population of 287,000—almost 1,000 people per day landing on these shores, and there is work

for all. For this I can vouch, for to-day it is really a difficult matter to procure laborers for public works. The Government guaranties most of the lines, and all material for railroad purposes is imported free of duty. What a chance for North Americans, who do most of their construction nowadays with machinery. Even the English are beginning to use it here. I know of one contracting firm, away up in the province of Salta, who are working fourteen steam shovels (of English make). Salta is the province in the extreme northwest of the Republic, and the last place in the world where you would expect to see such heavy machinery. The English contractors are beginning to send orders to the States for tools and machinery that are new to them as well as to the country.

A company is organized in England; a concession is applied for in this country; if granted, the capital, engineers, contractors, and tools are sent from England and the work commenced. Why don't we hear of North Americans doing likewise? After the road is built the factories of England get the orders for the rolling stock. True, there is some North American rolling stock here, but there ought to be more. To a North American down here it looks very much as if his countrymen were asleep. John Bull is alive to his interests, and while he sends some of his sons to the States to buy up its breweries he is sending others to build railways in this country. I like the American's pride in himself, but I can't help thinking that the English have more enterprise than we. Go where you will you'll find English. I append here a clipping from the Buenos Ayres Standard of January 1, 1890, giving a review of Argentine railways during the year 1889.*

H. Z. TILLOTSON.

RAILWAYS.

The following is a list of the railways corrected to January 1, 1890, by the use of the above-mentioned extract:

Andine Railroad, from Villa Maria to San Juan via Villa Mercedes and Mendoza, 480 miles. Construction was begun in 1870, and sections opened at various times as they were completed; the Rio Cuarto section in 1873 (82 miles), 76 miles in 1875, 59 miles in 1880, 75 miles in 1883, 80 miles in 1884, and 108 miles to San Juan in 1885. This road was built by the Federal Government at a total cost of about $15,000,000. It is the intention to form a connection through the Uspallata Pass with the Chilian line from Valparaiso. The work is now being pushed with vigor, and it is believed that but little remains to be done. The gauge is 5 feet 6 inches.

A company under the name of the Buenos Ayres and Valparaiso Transandrine Railway Company has been formed to build this extension from Mendoza to the Chilian line, a distance of 121 miles, and the line as above stated is now under construction. This company has a Government guaranty of 7 per cent. on its capital for twenty years.

Argentine Northeastern Railroad.—Line projected from Monte Caseros to Corrientes, 229 miles, and from Monte Caseros to Posadas, 283.7 miles. The concession calls for the completion of the road in five years. Work was pushed during 1889 with remarkable activity. Up to November 30, one hundred and seventy bridges had been built and thirty were in course of construction; 89 miles of rails had been laid and several stations finished.

Bahia Blanca and Northwestern.—A concession has been obtained to build a road from Bahia Blanca to Villa Mercedes via Rio Cuarto, 738 miles. Work was begun on the 18th of September, 1889.

Bahia Nueva Railway, Chubut.—The line was inaugurated on May 25.

Belgrano and Tigre Railway.—The plans were approved in May and the work begun.

Buenos Ayres and Ensenada Port.—From Buenos Ayres to Ensenada, 35 miles. Built by a British company, and opened January 1, 1873; its total cost was about $3,950,000, and its earnings are $10,000 a mile.

Buenos Ayres Northern Railway.—From Buenos Ayres to San Fernando, 20 miles. This company has a subsidy from the provincial government of Buenos Ayres. The total cost was about $2,500,000, and its net earnings in 1887 about $300,000.

Buenos Ayres Great Southern Railway, from Buenos Ayres to Bahia Blanca, 445.25 miles; Altamarino to Tres Arroyos, 300.25 miles; Maipu to Mar del Plata, 80 miles;

* Omitted—G. A. Z.

total, 825.5 miles. Second track 13.5 miles. There are also new lines under construction—San Vicente to Las Flores, about 85 miles; Las Flores to Taudil, about 89 miles; Tres Arroyos to Bahia Blanca, about 112 miles; Piqué to Trenque Lanquen, 132 miles; Arbolito to Necoches, about 93; in all 511 miles. The first section of this road was opened August, 1864.

Buenos Ayres and Bahia Blanca.—Plans for this line must be submitted to the Government before May, 1891.

Buenos Ayres and Pacific Railway, from Mercedes province of Buenos Ayres, to Villa Mercedes, province of San Luis, 371.4 miles from Mercedes to Buenos Ayres, 54.6 miles, or in all 426 miles. The construction of this line was begun in May, 1883, and opened from Orillanos to Villa Mercedes March, 1886, and from Mercedes to Buenos Ayres in March, 1888. This line forms the most important link in the transandine line, connecting at Villa Mercedes with the Andine Railway and at Mercedes with the Western of Buenos Ayres. This company has a gauranty of 7 per cent. upon a capital of about $20,000 a mile.

Buenos Ayres and Rosario Railway (Temple concession).—The surveys were begun and will soon be completed.

Buenos Ayres and Rosario Railway.—Buenos Ayres to Sunchales, 341 miles. An extension is under construction from Sunchales to Tucuman, about 385 miles, and rails have been laid for a distance of about 77.5 miles; part of the line was opened in September, 1889. In the second section of the line to Santiago del Estero the earthworks were pushed forward with great activity. Branches have been authorized from Galvez to Monteros and from Irogoyen to Santa Fé, a total of about 110 miles. A branch from San Lorenzo station to the river bank was opened in August, 1889.

Campana Railway, Pila, surveys have been completed and plans will be presented to the Government immediately.

Central Argentine Railway, Rosario to Cordoba, 246.6 miles, with branches to Las Yerbas and to Porgamino in course of construction, 167.5 miles. The company opened to traffic in July the first section from Canada de Gomez to Las Rosas, and the second section from Las Rosas to El Treval is also ready for service. The other section from Canada de Gomez will be ready for public service in January. The main line was opened in 1870, its total cost being about $9,000,000.

The concession for a road from Rosario to Pezzano has recently been transferred to this company, the plans having previously been approved by the Government.

Chilecito and Mejicano Railway.—The plans were approved in June.

Cordoba and Northwestern.—Road authorized from Cordoba to Crus del Eje, 100 miles. It has a subsidy of $35,500 per mile. The property is to be exempt from taxation, and at the end of fifty years after the completion of the work it is to revert to the Government.

Cordoba Southern Railway, Santa Fé.—The new plans and the contract for construction have been approved by the Government.

Cordoba Central Railway.—Company was registered in August, 1887, to acquire a concession granted by the provincial government of Cordoba. The line is projected from city of Cordoba to a junction with the Western and Central Colonies Railway of Santa Fé, 132 miles.

East Argentine Railway.—Concordia to Monte Caseros, 96 miles, Monte Caseros to Ceibo Creek, 3 miles. This line follows the west bank of the Uruguay River, and was opened to Ceibo Creek in 1880. The concession was granted in 1869. From Ceibo Creek this company runs steamers to Uruguayana, Brazil.

Entre Rios Central Railway, from Parana to Uruguay, 186 miles, traversing the entire province. The first section of the line to Nogoya, 77.5 miles, was to be opened in 1886 and the remainder the following year.

First Entre-riano Railroad, Gualeguaychu to Puerto Echague, 6.2 miles. Owned by the province of Entre Rios, and built in 1878, at a cost of $153,839.

Gran Chaco Austral Railway.—Although the plans were approved in 1888, the work has not yet been begun.

Goya and Lucero Railway.—The plans were approved and the kilometric cost was set down at $28,000 in gold. This is equal to about $45,162 per mile. The work of construction has not begun.

Interoceanic Railway.—The contract was approved in February, Mr. Bustamente being the concessionaire.

Lugan Railway (Melincue).—Plans for the entire length of the line are before the railroad bureau.

Mendoza and San Rafael Railway.—Projected from Mendoza to San Rafael, 180 miles south of Mendoza. Surveys are in progress and the road is to be built by the National Government.

National Central Northern Railway.—Main line, Cordoba to Tucuman, 338.5 miles. Branch from Frias to Santiago del Estero, 100.4 miles, and from Recreo to Chumbricha, 109.1 miles. Gauge, 1 meter. This line, built and owned by the National Government, was begun in 1872 under the direction of José Telfener, and in 1885 both lines were opened. The total cost was about $22,000 per mile. It crosses 300 miles of country in which there is no water. Each freight train carries three water-tank cars, each containing 8 tons of water. The line is now open to Salta and Jujuy and will ultimately be extended to the Bolivian frontier.

Northern Colonies Railway of Sante Fé.—From Santa Fé to Lehman, in same province, 62 miles, opened in July, 1885. Branch from San Carlos to Santa Fé, opened in 1886, and from Santa Fé to Port of Colastine in October, 1886. An extension from Lehman to the southern boundary line of the lands of the Santa Fé Land Company, 100.75 miles, is under construction. This line was built and is owned by the provincial government of Santa Fé.

Nanducito and Presidencia Roca Railway.—The final plans were completed and cost per mile, $46,194, approved.

Northwest Argentine Railway.—Line projected from La Madrid, on the Central Northern Railway, to Tucuman. The first section to Santa Ana, 30 miles, was opened in July, 1888, and the whole line was to be completed in the summer of 1889. There is no monetary guaranty with the concession.

Patagones Railway (Villa Maria).—The surveys were to have been presented to the Government in November.

Posadas Railway (Itnzaingo).—The concessionares are to present plans before the end of 1890.

Resistencia and Oran Railway.—Very little progress was made in the plans, and the Government has allowed another year for the presentation.

Reconquista Railway (Villa Maria).—Plans are to be presented before the end of April.

San Antonio-Areco Railway (Rivadavia).—The contract for the building was signed in January; the original plans were amended and approved in November.

San Cristobal and Tucuman Railway.—The plans were approved and work begun in October, rails having been laid as far as kilometer 17.

Santa Fé and Cordoba Great Southern Railway.—A concession was granted by the National Government for a line of railway from Villa Constitucion, via Melincue, to Venado Tuerto, a distance of 103 miles, and from Villa Constitucion to La Carlota, 84 miles; a total distance of 187 miles. The concession exempts the property from taxation and calls for the completion of line by January 22, 1891. The section from Villa Constitucion to Melincue was expected to be opened about January, 1890.

San Fernando Railway (Pergamino).—All the plans have been approved and authority has been given to build a double track.

San Juan to Chumbicha Railway.—The plans were approved in October.

San Juan to Salta.—The plans for the first 60 miles were examined and approved.

San Rafael to 9 de Julio.—Plans were approved in July.

Santa Rosa Railway (Conception del Tio).—The plans and surveys of this line, 105.4 miles long, were approved on the 7th of November last.

Santa Rosa and Oran Railway.—The surveys were begun and the guaranty reduced to 5 per cent., on a kilometer cost of $37,000 in gold ($58,678 per mile).

Tinogasta and Andalgala Railway.—All the plans were approved. The line enjoys a guaranty for twenty years.

Villa Mercedes and Rioja Railway.—The contract was approved in February. The total cost of the line was set down at $13,837,500 gold; the length of the line being 381.3 miles.

Villa Maria and Rufino Railway.—Projected from Villa Maria, on the Central Argentine Railway, to Rufino, on the Buenos Ayres and Pacific, a distance, via Villa Nueva and Carlota, of about 140.5 miles. The concession was obtained from the National Government. The works were begun in July, the line being divided into two sections, viz: From Villa Maria to kilometer 109, and from there to Rufino. On the 30th of September the earthworks had reached kilometer 30 and the rails kilometer 8.

Western and Central Colonies of Santa Fé.—Lines in progress, San Carlos (N. C. Ext. Co.) to Galoez (B. A. and R. Ry.), 217 miles; Gessler Colony to Corondo, 18.6 miles; Pilas (N. C. Ry.) southwest to boundary of Cordoba, 52.7 miles; Humboldt (N. C. Ry.) northerly 49.6 miles. The lines are being built by the provincial government of Santa Fé, and it was expected that they would be opened during the latter part of 1889.

Western Railway of Buenos Ayres, from Buenos Ayres to 9 de Julio, 162.4 miles; Lugan via Pergamino to Junin, 155.6 miles; Merlo to Lobos and Saladillo, 93.6 miles; La Plata via Temperley to Moron, 47.1 miles; La Plata to Ferrari, 24.2 miles; Pergamino to San Nicholas, 45.9 miles; Temperley to Canuelas, 29.1 miles, and several small branches aggregating 19.8 miles, or 574.7 miles in all. There are projected: 9 de Julio to Los Mellizos, Saladillo to Alvear, second track 28.5 miles, and other track 74.4 miles—a grand total of 677.66 miles. The construction of the road was begun in 1853 by the provincial government of Buenos Ayres. Gauge, 5 feet 5 inches.

Western Railway of Santa Fé.—Projected to run from Rosario to San José de la Esquina, 110 miles, and from Candelaria to Melincue, 80 miles. It is completed from Rosario to Candelaria, 40 miles.

The engineer department of the Government drew up plans for the following: Santa Rosa via Majotoro to Salta, Salta to Cabra Corrol, San Juan to Jachal, Chumbicha to Tinogasta and Andalgala.

All that relates to the Argentine railways is under the supervision of the department of civil engineers, an important and ably managed national bureau which employs ninty-eight civil engineers.

There continues to be a great movement throughout the Argentine Republic in the construction of railways. So great are the number of new concessions granted by the national congress and by the different provincial legislatures that I find it impossible to name them all. Up to the meeting of the last congress there were national concessions for seventeen different lines, of which thirteen enjoy the guaranty of the Government. These guarantied lines represent a total length of 7,961 kilometers (4,975 miles), and the aggregate length of the other lines, 1,272 kilometers (795 miles), making a total of 5,770 miles. Among them are the following, viz: The Chaco and Tartagal Railway, the Reconquista and Formosa (Chaco) Railway, the Bahia Blanca and Villa Mercedes Railway, the San Juan and Salta Railway, the Chumbicha, Tinogasta and Andalgala Railway, the Goya and Monte Caseros Railway, the Resistencia and Metan Railway, the San Cristobal and Tucuman Railway, etc. A line from San Juan to Cabra Corral, in Salta, is being surveyed, as also one from Mendoza to San Rafael; also the line from Cobos to Salta via Lagunilla, and several others of less prominence.

The following roads are in the course of construction, to wit: The extensions of the Northern Central, the road now being opened beyond Tucuman as far as Chilcas. The branches from Dean Furnes to Chilecito, and from Chumbicha to Catamarca have the road-beds completed and the track laying has commenced. Beyond Chilcas

towards Salto and Jujuy the work is still progressing, but there are many engineering difficulties to overcome, and not much has as yet been accomplished. The line from Buenos Ayres to Mercedes, which is a link of the Transardine Railway, is now completed and opened to traffic, thus giving a through line from Buenos Ayres as far as Mendoza. Work continues to progress on the link from Mendoza towards Valparaiso, Chili, some of the track having already been laid, and by the end of the year it is expected that the Uspallata Pass of the Andes will be reached. For the construction of the railway from Monte Caseros to Corrientes and Posadas in the Misiones the necessary materials are now being received, and the work has commenced. The new line from Rosario, via Sunchales, to Tucuman is being rapidly pushed forward, and the rails are laid for 50 or 60 miles beyond Sunchales.

The last session of the Argentine congress, in response to the recommendations of the president, made a very firm stand against the granting of any more charters or concessions with Government guaranties, and the fact that numerous applications were made for new lines without such guaranties shows that the condition of the country is now so promising that capital is ready to embark in such enterprises without Government aid. (Report by Consul Baker, Buenos Ayres, December 13, 1888.)

From the report of the South American commissioner I extract the following, dated June, 1885.

The effect of railroad building, which during the last few years has been very marked, seems to stimulate the raising of grain and the growth of flocks more than any other agricultural pursuit. The completed railroads embrace over 2,800 miles, and the extension of those lines now under construction amount to nearly 900 miles. There are projected, also, many thousand miles more, which in the course of time will be built. A railroad man (an American) describes this country in this respect as being in the condition of our country thirty years ago. The cost of building roads throughout Argentine is very little, so far as grading is concerned. Many of the lines had but little to do for long tangents except to lay down the rails on the even plains. At first some trouble was found on certain lines to provide stone for culverts and abutments, but afterwards plenty of good building rock was discovered. The cost of procuring ties is heavy, as they must be brought from the northern provinces or from Paraguay. Now a line of road is being constructed toward and through the Gran Chaco and the fine forest lands of the Republic. This extension is also designed to reach into Bolivia and its greatest timber tracts, thereby giving to that Republic an eastern outlet for its rich mines and agricultural products. The completion of this road will cheapen the cost of lumber to all the Republics, and open up an industry of great profit in the luxuriant forests of the Upper Parana and other streams. At present the largest cost to the estancia holders in fencing grows out of the scarcity of posts. The policy of inclosing all the pasture land of the owner is becoming universal, and the erection of corrals increases the expenses of a good estancia very materially, for they are made almost entirely of lumber imported from our country.

At present there is no coal found in this country, and the engines are all driven by fuel brought from Cardiff. This is a serious drawback to the railroads of the Republic. Those lines running toward the north can in time obtain wood from that region. But it will probably always be cheaper to import coal for the most of the roads than to rely upon the northern forests. There has been a recent discovery of petroleum in the western part of the Republic, in the province of Mendoza, and a company has been organized to develop the oil-producing districts, and many believe that near by will be found coal measures of considerable extent.

The railroads are in part owned and managed by the Government. If we trust the statement of Mr. Hopkins, herewith submitted, we find the result of this management to be here, as in Chili, very unsatisfactory; and great complaints are made at the high railroad charges of all the companies. But the cost of operating must be very serious, and no people ever think they are charged too little for railroad transportation; but all agree that new regions are being made accessible and great agricultural industries are being promoted by these modes of internal communication, though they are expensive.

The railroad map of the Republic shows how little of its territory has yet felt the beneficial effects of these arteries of commerce. Ten times its present railroad development would fail to bring the whole country into anything like close communication. But the fever of railroad building has touched the people, and in some way these needed lines will be pushed to completion. One gentleman observed that in many respects it was cheaper to build railroads than highways, of which there are very few, called cart roads, in the country. As yet the private railroads have been built almost wholly by English and French capital, but they were aided by liberal concessions from the Government lands, and a guaranty of a certain interest on the construction bonds, and these guaranties have not been called into force in but one instance, so remunerative have the investments proven.

THE FUTURE OF ARGENTINE.

From the interesting paper on the railroads of the Republic, by Mr. Russel R. Pealer, the lines and present roads and those in construction can be learned. The advantages of the country for American capital are pointed out, and probably a hint may be found in the projected Bolivian line of the future railroad which shall connect North and South America. We have met with no one familiar with the entire line, but at Montevideo we listened to a professor in a college there, who professed to have been over the route from the Isthmus south to Buenos Ayers. If he is correct, there are no insurmountable obstacles in the way of this colossal undertaking. The president of this Republic said on this point that his people would push their line up into Bolivia, and he hoped it would come in his day that one might take a car at Buenos Ayres and not change until he set foot in New York. Mr. Pealer's paper is replete with suggestions and worthy of the attention of our people. The drawback to an extensive system lies in the vast size of the estancias and, in consequence, the sparse population. The towns are far apart and so long as cattle and sheep are the chief industries the freight traffic can not be at all equal to what it would be with grain farming, and in neither case can it be what it would be were the land cut into small farms. The policy of selling the land by leagues—6,600 acres in a body—still prevails.

In a few days there will be opened to purchase by these large areas a wide tract of country lately taken from the Indians. To counteract this aggregation of lands in one ownership, the law of inheritance requires all estates to be divided among the children of the decedent and his widow in certain proportions; and it renders it impossible to defeat this end by any will or devise. But it is quite clear that, aside from this provision of the statute, the land must, in time, suffer division in all those regions where grain-raising shall be deemed more profitable than stock pursuits. This will result from the tendency among European laborers, on whom the country mainly relies, to become land-owners. They can afford to pay so much more for their small farms than the landlord can realize in any other way, so that he will find it to his interest to subdivide his estate. This tendency finds encouragement in the fact that the larger proportion of estancia-holders now reside in Buenos Ayres and other large towns, and have no attachment to the estates. Their city expenses and mode of life draw heavily on their country incomes. Habits of idleness fall upon their sons, few of whom take any lively interest in their fathers' estancias. The immigrant from Italy, the Basque provinces, or Germany, loves to till his own acres. The work the Basques accomplish, when on their own land, is continuous and very great. The Italian does not fall far behind. With the division of these estates will of course come a greater demand for railroads. The products from the sea-port markets will multiply. Already quite a supply of linseed comes to our country from the Argentine Republic, and we may look to a very diversified agriculture on these plains. While they are now treeless, yet they have been found to be well adapted to rearing forest growths, as well as many kinds of fruits, apples, pears, peaches, apricots, and most of our northern fruits are already abundant, while the northern regions furnish tropical productions in unlimited amounts; and this brings us to consider briefly the colossal development of the Republic and the people it is drawing hither.

RAILWAY SYSTEM OF THE ARGENTINE REPUBLIC.

[Statement of RUSSELL B. PEALER, of Buenos Ayres.]

In reply to your question as to what plans I have for the extension of the railroad system of this country into Paraguay and Bolivia to facilitate and increase our commercial relations, I shall as briefly as possible give you our opinion on the subject.

At present we are engaged on the construction of a railway line in the province of Entre Rios from "Puerto Echague," the head of ocean navigation on the Uruguay River to Concordia, the length of the line being 156 miles. From Concordia I propose extending our line through the provinces of Entre Rios and Corrientes into Missiones, to Posadas, the capital of that territory. From that point our intention is to extend the road into Paraguay, passing by Villa Rica and traversing the country between Asuncion and the limits of the southern boundary of Brazil, penetrating into Bolivia and continuing around toward the northern boundary of Peru and along into Ecuador, intercepting the Grand Intercontinental Railway, and forming the link that will connect it with the head of ocean navigation of the River Plate at Puerto Echague, on the Uruguay River.

The concession we have asked for and expect to obtain from the Paraguayan and Bolivian Governments: First, perpetuity; second, Government guaranty of 6 per cent. on the cost of $40,000 per mile; the Government to grant us from 6 to 12 square leagues of land along the line.

As soon as the road is in operation these lands must naturally increase rapidly in value, and, though perhaps not worth more than $1 per acre in the beginning, must advance to more than $20 per acre in less than twenty years. This has been the history of all lands along the line of railways constructed in this country, and the same may be expected of them in Paraguay and Bolivia when railway facilities attract immigration and increase the industries.

At present the Government may not afford to pay more than half the guaranty, but as they develop by means of the enterprise and become enriched by the immense increase in value of their lands, they will soon be enabled to pay the 6 per cent. guaranty. The cost of these roads, with single track, will not exceed $30,000 per mile, as we know of no engineering difficulties up to the northern boundary of Bolivia; nor would there be any should we go through the Amazon portion of Brazil. The principal streams will be crossed at their heads, where they are small, and branches from the trunk line be made to lead to the head of steam-boat navigation of the Orinoco, Amazon, and other important rivers to the Atlantic, then to connect with the steamers to and from the United States.

The western and southwestern portions of Brazil would be an important element to the railway and our river and ocean steamers. Besides a line of steamers to the River Plate, we would recommend a line to the Orinoco, and another to the Amazon to run in connection with the steamers on those rivers to our railway system.

When all this is done our people will hold and control the key of the trade with all this portion of South America, and solve the question of rapid communication and quick transit of commerce with these countries. If by sea our steamers can afford to carry merchandise as cheaply as do those of the Lamport and Holt line, they will undoubtedly get the most of it. Those of us here doing business with the United States find ourselves heavily handicapped by those in the European trade.

Merchandise from the United States takes double the time to reach here that goods do ordered from any part of Europe; and in view of the small proportion of vessels obtaining return cargoes, freights are much higher from the United States than from Europe by steamers, which, in addition to their freight, derive much of their profit from the carrying of passengers and emigrants.

The benefits to be derived from the direct communication with the United States as afforded by our trunk line of railway in connection with the grand intercontinental railway system projected by the United States people to connect North, Central, and South American countries, can not be overestimated, and must, in our opinion, have a most favorable influence upon the governments and the people of the republics.

The Argentine Republic already possesses the advantages of a direct trade with the United States and Europe to such an extent that her commerce is carried on as conveniently and advantageously as that of any other country; but it would be greatly increased by the construction of this great railroad enterprise, bringing down to the head of ocean navigation the products of the upper regions of the undeveloped countries, and affording a quick and economical means of conveying to them the imports brought to supply these countries.

In the mean time, to obtain some of the benefits referred to, we must have direct and prompt communication with the United States by means of steamers terminating their route at Buenos Ayres. Owing to the geographical position the Argentine Republic possesses every facility for carrying on its commerce. Paraguay, owing to its great distance from the sea-board, and Bolivia, from its distance inland and isolated position, may be considered as comparatively excluded from intercourse with the rest of the world at present.

All the wants of both these countries could be supplied from the United States, and the cost of bringing those supplies by means heretofore described. Paraguay pays one freight to the River Plate and twice as much more in addition from the River Plate to Asuncion. Bolivia, owing to its inland situation must now deprive itself of many things that it would consume, or have to submit to the heavy tax now paid for transportation over difficult overland mountainous country on the backs of mules. Railway communication would so far reduce the cost of carriage as to enable the populations of Bolivia and Paraguay to consume liberally many things manufactured in the United States of which they now have to do without.

We do not consider that the extension of the line of railways to Mendoza and Tucuman, also Jujuy, can have any effect upon diverting trade away from Bolivia and Peru to the Atlantic sea-board, because of the great extent of the mountainous country to be traversed between them, and because of the diversity of gauges of those roads and ours which would forbid the forming of a connection.

One gauge is 5 feet 6 inches and the other is 1 meter, while our projected line is the American standard gauge of 4 feet 8½ inches throughout.

In addition to the many articles of export from Paraguay and Bolivia, of which I shall make mention hereafter, I would now refer to the products of cattle as an important factor in the trade between the United States and those countries. In some

parts cattle are very abundant, and for want of an outlet have increased to such an extent that they can be bought for $3 per head.

The opening of communication with Paraguay and Bolivia would enable them to find a market for the hides in the United States and the dried beef in Brazil, to the mutual benefit of the producers and the railways.

Herewith I beg to hand you a skeleton map of the Argentine Republic, showing the railways built and in operation, those now under construction, and those projected, the names of the companies, and which are owned by the national or provincial governments. This will give you a brief idea of the entire railway system of the Argentine Republic.

In addition to the map, I give you a list of all the railways in operation in the Republic, their gauge, ownership, and length; also, of those under construction.

Th total number of miles of telegraph in operation is 18,000, all owned by the national government, and 2,000 miles more under construction. The only private line—owned by an English company—is that between this city and Montevideo, connected by a cable across the La Plata River, between Buenos Ayres and Colonia.

There is but one railroad in Paraguay, that being only 40 miles in length, and was built many years ago by the Dictator Lopez.

In the Republic of Bolivia there does not exist a single mile of railway.

All the railroads in the Argentine Republic are now paying from 7 to 14 per cent. (see quotations on railway stock of Argentine Republic, varying from 25 to 75 per cent. premium). All the roads when properly built and equipped, 50 per cent. of the gross earnings are more than sufficient for the working expenses, as the quality of the land for the road-beds is generally good, and no frost to contend with.

These railroads, built and owned by foreign companies, have had the benefit of a 6 per cent. Government guaranty, varying from £6,000 to £10,000 per mile. Of late years they have nearly thrown off the guaranty and paid back the Government such guaranty as was received during the early existence of the roads.

Most of the railway concessions are granted for perpetuity, and all material for building and equipping are allowed to be imported into the country free of duties, and are free of all internal taxes. All works that are considered public come under the same category.

These English companies have all amassed immense fortunes out of these railway enterprises and Government guaranties. We would here state that railway enterprises and other public works are still in their infancy, and I can only compare this country now to what the United States was some thirty years ago. Now is the time for the American people to get a foothold here, and, with their capital, control and monopolize the future public works of this great valley.

The people here will give preference to the Americans over any other nationality, and we can attain from them grants and concessions when no other people can. Formerly Americans have not been able to compete with other nationalities owing to the cheapness of money and material, but that day is now gone by and America can compete with both money and material against any European country. British capital and influence to control these countries is a thing of the past. They are not now, nor ever have been, congenial to the Latin races, and especially to the people of these republics. The greatest enemies and competitors the Americans have out here to contend with are the English.

This country has always faithfully paid up its obligations on all the public works as well as its national debt, and its credit stands to-day almost equal to that of the United States. Its progress is fast following that of our own.

These republics, when traversed with railways into their interior, will open out the great mineral wealth of the Cordillera slope.

Formerly this great valley was one vast grazing ground, principally for cattle, horses, sheep, and goats, etc. Animals live without shelter the year round, and it is not required to store food for the winter months, as done in the United States. Labor is cheap, owing to the abundance of meat, fish, game, fruit, and vegetables.

Owing to the immense European immigration these countries are fast developing into an agricultural region. It is one of the healthiest climates on the face of the earth; our average temperature in winter is 54 degrees, in summer 74 degrees, and seldom ever rises to 90 degrees.

List of railways in the Argentine Republic.

	Miles.
Central Argentine: Rosarios to Cordova, gauge 5 feet 6 inches (English company)	248
Northern Central, gauge 3 feet 3½ inches (owned by National Government):	
Cordova to Tucuman	340
Tucuman to Metun (Saltu)	180
Frias to Santiago del Estero	100
Andine Railway, gauge 5 feet 6 inches (owned by National Government):	
Villa Maria to Mendoza	380
Mendoza to San Juan	100
East Argentine, gauge 4 feet 8½ inches (English company): Concordia to Monte Caseros	100
Campana Railway, gauge 5 feet 6 inches (English company): Buenos Ayres to Campana	40
Northern Railway, gauge 5 feet 6 inches (English company): Buenos Ayres to Tigre	18
Ensenada Railway, gauge 5 feet 6 inches (English company): Buenos Ayres to Ensenada	35
Southern Railway, gauge 5 feet 6 inches (English Company): Buenos Ayres to Bathia Blanca	636
Santa Fé Railway, gauge 3 feet 3½ inches (English company): Santa Fé to the Colonies	56
Western Railway, gauge 5 feet 6 inches (owned by the Government of Province of Buenos Ayres): Buenos Ayres to San Nicholas and branch to La Plata	610
	2,843

List of railways under construction.

	Miles.
Campana and Rosario, gauge 5 feet 6 inches (English company): Campana to Rosario	140
Entre Rios Eastern, gauge 4 feet 8½ inches (American company): Port Echague to Concordia	156
Transandine Railway, gauge 5 feet 6 inches (English company): Mercedes, Buenos Ayres to Villa Mercedes, San Luis	350
Entre Riano Railway, gauge 4 feet 8½ inches (owned by the Government of Province of Entre Rios): Parana to Concepcion	182
Central Northern Railway, Metan to Jujuy	62
	890

RECAPITULATION.

Ten railways in operation	2,843
Five railways under construction	890
	3,733

URUGUAY.

The railways of Uruguay radiate from Montevideo and connect on the west and north with those of Argentine, Paraguay, and Brazil. There are now 400 miles constructed and much more projected, principally toward the Brazilian frontier.

A general railroad law was enacted in 1884, which named certain lines recommended by a commission of engineers as worthy of construction, and which named also the conditions which were to govern the granting of concessions and the construction of the lines. The gauge was to be 4 feet 8½ inches, and the minimum radius of curvature 400 meters. A guaranty of 7 per cent. per annum on about $25,000 per mile was to accompany the concessions.

The lines named are shown upon the map accompanying the report of the delegate from Uruguay, but I believe some of them are not yet under construction.

Central Uruguay Railway Company of Montevideo.—Line of road authorized, Montevideo to Durazno; completed from Montevideo to Rio Negro, 170 miles. Branch: Santa Lucia to San José, 20 miles, total 190 miles. Opened from Montevideo to Santa

Lucia, 40 miles, in 1872, and to the present terminus in 1879. Extension to north bank of Rio Negro, 41 miles, opened July, 1885. The Government has granted a perpetual succession, with a guaranty of $3,500 per mile attaching, as each separate section is opened. This company operates the line of the Uruguay Central and Hygueritas Railway Company, extending from the junction with the Central Uruguay at Juan Chaso to San José, 20 miles. The total authorized length of the latter line is 146 miles, Santa Lucia to Hygueritas, the Government also guarantying a net revenue of 7 per cent. on £10,000 pounds per mile (about $50,000).

Central Uruguay Northern Extension Company, registered in London, October, 27, 1888, to acquire a concession from the Uruguayan Government for a line forming an extension of the system of the Central Uruguay Railway Company, of Montevideo, to the Brazilian frontier, a distance of about 288 kilometers (179 miles).

Northeastern Railway.—Projected from Montevideo to Artigas (on the Brazilian frontier); completed to Minas, 74 miles. The section to Pando, 18 miles, was completed in 1883.

Northwestern Railway.—From Salto to Santa Rosa and the Brazilian frontier, 111 miles, with a branch from Isla de Cabello to San Eugenio, 70 miles. Main line is completed and connects at its northern terminus with the Brazilian Great Southern Railroad from Uruguayana. The Uruguay road runs parallel to that from Concordia to Ceiba in Argentine.

Midland Uruguay Railway Company.—Projected line of road from Paso de los Toros to Salto, 174 miles. Registered in London under the Companies act, July 2, 1887, to acquire a concession granted by the Government of Uruguay. Under this concession the Government guaranties, for a period of forty years, commencing from the opening of each section of 50 kilometers, 7 per cent. per annum on a capital stock of £5,000 per kilometer.

Northern Railway and Tramway Company.—Montevideo to Santa Lucia, has 25 miles in operation.

PARAGUAY.

The railway from Asuncion to Paraguari, a distance of 45.2 miles (72 kilometers 417 meters), the first line constructed in South America, was built for Lopez during the year, 1861–'64 by the Englishmen Burrell, Valpy, and Thompson, with a force of 6,000 soldiers detailed for the purpose. It rested at Paraguari until recently, the war having stopped it midway on its course to Villa Rica, the proposed terminus. After many vicissitudes the building of the road has been resumed, and the new station, General Escobar, 11.20 miles (18 kilometers, 50 meters) beyond Paraguari, was opened last September. Work on the road-bed is being pushed, and a fine bridge across Tebicuari of 260 meters is in process of construction. It is expected that it will be completed to Villa Rica during the coming year, a distance from Asuncion of 91.48 miles (147 kilometers, 242 meters). A concession to further extend the railway to Encarnacion, on the Parana River, has been granted to certain parties, who are now in London negotiating its sale.

Trains run daily from Asuncion to Escobar and return, leaving the former at 6 o'clock a. m., arriving at Escobar at 12; leaving Escobar (returning) at 1 p. m., and arriving at Asuncion at 6 p. m. The old track to Paraguari has recently been thoroughly overhauled. New bridges and culverts have been built. There are four classes of cars. The first-class coaches, of Belgian make, are beautiful carriages, as fine in appearance as the best American coaches, and perhaps more ornate in their appointments. The second and third class coaches are plain, comfortable carriages. The fourth class are simple trucks without seats, but are very cheap, and certainly a great convenience to the poor Paraguayans, mainly women, who patronize it. First-class fare, about 4½ cents.

The railway traverses a very picturesque region. The orange and palm groves of Luque, the superb lake of Ipacarai, stretching out to the foot of the Cordillera; the peak of Itagua, the valley of the Pirayu, the Cerro Batovi, and the bold heights about Paraguari form a pleasing landscape of considerable variety. The section now being extended to Villa Rica will pass over a still more charming country.

The number of passengers carried last year amounted to 257,688; amount of traffic, $161,550. In 1881 the total number of passengers amounted to 81,807; total amount of traffic, $62,207. The passengers and traffic returns for 1887 show a considerable

increase over those of 1886, in which year 120,865 persons were carried, and the traffic reached the sum of $85,606.17.

In 1876 a survey was made for a railway, which was to start from a town called Curitaba, in the Brazilian province of Parana, near Paranagua, and run thence to Matto Grosso and Bolivia, thus placing Paraguay within five days of Rio de Janeiro.

The air of the River Plate is full of great railway enterprises just now, and new lines and gigantic combinations are projected in every direction. A late number of the Buenos Ayres Standard contains the following:

"Messrs. Clark & Co. have long planned a vast net-work of railway in the South American Continent, and the scheme for a line from Recife to the Pacific coast forms part of this bold plan. Such a line would eclipse the Panama Canal and rouse the wonder of the world. Rapid communication would be established between Australia and Europe, and immigration to the Pacific coast would be considerably facilitated. The lines which the Messrs. Clark are at present building from Monte Caseros to Corrientes, Posadas, and Missiones also form part of the vast plan alluded to and are intended to connect us with the transcontinental Brazilian line. The plans were roughly drawn up in 1886 by these fore-seeing and powerful railway kings. The first section, according to the plan, stretches from the Missiones territory as far as San Pablo, in a southwesterly direction from the lines at present in course of construction. At Curitiba a branch line would be built to Paranagua, on the Atlantic, and at San Pablo there would be a junction with the railway running to Rio Janeiro, or with that terminating in Santos. The second section, which runs in a more westerly direction, would be the prolongation northward of the Missiones line. It would incline gently eastward after crossing the province of Parana and San Pablo,* then continue to the west of Minas Geræs and Bahia, and terminate in Pernambuco.

"The third, an interoceanic section, would form a junction with the Transandine line. It would stretch from Villa Mercedes, in San Luis, through Villa Maria (as at present), Santa Fé, Esperanza, along the right bank of the Parana as far as Corrientes. It would then cross the river a little higher up and stretch to Asuncion, thence to Paraguari, Villa Rica, and other towns, and finally into Brazilian territory to Para, communicating, by means of a branch to Braganza, with the Atlantic. Such is the gigantic scheme which the Messrs. Clark have been planning since 1886. The Emperor Pedro is highly in favor of it and assured Mr. Matthew Clark in London that he would do everything in his power to assist him and his brother to carry out the greatest scheme of the age."

The often discussed project of a great international railway to run from Buenos Ayres, through Paraguay, Bolivia, Peru, and Ecuador to Bogota in Colombia, thence to coast, to Carthagena or Panama, on the Isthmus, has been ably and exhaustibly dealt with by Minister Bacon in a recent issue of the Consular Reports.

The Government in September, 1887, concluded the following agreement for the sale of the present line of railway with a view to its extension to Villa Encarnacion, on the Parana River:

"ARTICLE I. The executive is authorized to make arrangements with Dr. William Stewart for the sale of the railway from Asuncion to Villa Rica and all appurtenances for 2,100,000 hard dollars gold. The purchaser being to prolong the line to Villa Encarnacion.

* * * * * * * * * * *

"ARTICLE V. The executive concedes to Dr. William Stewart the right to build and work a railway from Villa Rica to Villa Encarnacion in accordance with the conditions specified in this law.

* * * * * * * * * * *

"ARTICLE VII. * * * The company is at liberty to build such branches as may be found necessary, without, however, having the privileges of a guaranty.

"ARTICLE VIII. The Government guaranties an annual interest of 6 per cent. on the capital sunk in this undertaking for twenty-years. The maximum cost per kilometer not to exceed 30,000 hard dollars gold. * * * Government to determine tariff so soon as net earnings exceed 12 per cent. per annum."

Dr. Stewart is now in London to effect the sale as projected, but has not succeeded in doing so up to this time. The railway has been reported as sold several times during the year. The matter is one of great moment to those interested in the country, and the fate of the "Stewart concession" has been closely watched. It is now reported that Dr. Stewart has asked the Government for an extension of three months' time; also that the Government does not feel inclined to accede to the request. I understand, further, that in case Dr. Stewart fails to place the concession in London a Belgian company stands ready to succeed in his rights in the matter. There is no doubt that the road will be extended soon by some company. (Report by Frank D. Hill, United States Consul, Asuncion, Paraguay, January 23, 1889.)

* Probably San Paulo.

This English company is pushing the construction of the work, which is to be finished to Encarnacion in 1892. It will connect with the road now being constructed from Monte Caseros to Posados in Argentine and will put Paraguay in rail connection with Montevideo and Buenos Ayres.

The receipts of the 45 miles in operation for 1888 were $210,000, while for 1881 they were only $61,207.

The entire line from Asuncion to Villa Rica was put in operation January, 1890.

Another great project has just been elaborated which will put Paraguay in communication with the eastern coast of South America. This line is to be called The Transcontinental Railway fron Asuncion to Santos, and is to run from Asuncion to the northeastern frontier of Paraguay, where at the junction of the Sierra Mbaracayu with the Sierra Amamby, it will enter Brazil about the twenty-fourth parallel, which will be followed to Santos, the great port of San Paulo. Its length will be about 1,300 kilometers (806 miles).

BRAZIL.

This great country exhibits in the most marked degree the statement made in regard to the location of the mass of the population, for less than half the territory contains almost all the inhabitants. Omitting the provinces of Amazonas, Para, Matto Grosso, and Goyaz, comprising the interior, there remain 1,157,842 square miles, out of a total of 3,119,764 square miles, in which live 13,222,860 out of the 14,002,335 people, according to the estimate of 1888.

This fact can easily be explained from the physicial features of the country. The Amazon, whose tributaries spread in all directions, traverses it from west to east, and between these water courses are vast plains covered so thickly with vegetation as to be almost impenetrable. Along the coast there are several ranges of hills with elevated lands between, and here is the mineral and agricultural wealth of the country. The table-land of Matto Grosso divides the waters of the Amazon and the La Plata, the sources of the latter rising within a very short distance of the Atlantic. The San Francisco River flows northeastward between two ranges.

RAILWAYS.

Transportation in the interior is carried on entirely by water, and along the coast by mules and railways, the majority of the latter being in the southeast, and one-fourth of the whole in the province of San Paulo. These railways were first built from the coast towards the interior and their length was limited by the distance of the mountains from the coast. Indeed, this is still true, for there are only two or three exceptions, the greatest being the Don Pedro Segundo Railway in the province of Rio de Janeiro, which runs parallel to the coast and some distance from it, and the Madeira and Mamore Railway, projected along the Madeira River, far in the interior, around the falls which form the only obstruction to navigation from the interior of Bolivia to the Alantic Ocean.

In the south, connection is made with the railways of Argentine and Uruguay, but as the lines in Brazil are not united, traffic to these countries can not be carried on very extensively. Another project has been elaborated for a line from the city of San Paulo westward to Paraguay, and a line is under construction from Porto Alegre westward to Uruguayana. The Paraguay line will give communication between the most populous portions of Brazil and all of Paraguay. The line from Porto Alegre to Bagé might also be extended to the frontier of Uruguay.

A point to be noted is that railway communication northward in the eastern part of the country is almost impossible because of great size of the water-courses, and, consequently, traffic between the southeastern part of Brazil and Venezuela or Colombia will for many years be carried on by water.

In an extract from the Consular Reports of 1882 there is a report by Consular Agent Comsett, in which he refers to international lines of road.*

The principal Brazilian railways are the following:

Alagoas Railway, from Maceio to Imperatrix, 55 miles, along the valley of the Mundahu River in the province of Alagoas. Gauge, 1 meter. This company was organized in 1881 to build the line under the concession granted to Domingos Mortinho and Jacquimda Silva Leao. Road was opened December 3, 1884. The Government guaranties 7 per cent. per annum on maximum capital £512,212, and reserves rights of purchase. In 1885 a concession was obtained from the Provincial Government for the construction of a branch from the main line to the town of Assemblea, about 40 miles, and surveys have recently been completed. A dividend of 5¼ per cent. was paid from the Government guaranty.

Bahia and Minas Railway, from Carvellas to Aymore, 88 miles, and extension, 9.3 miles. This railway is now under construction to Philadelphia, 155.6 miles; gauge, 1 meter. It was built under a concession granted to M. F. Argolla, the construction having begun January 25, 1881; the road was opened to Aymore, November 9, 1882, and the extension in 1882.

Bahia and San Francisco Railway, from Bahia to Alagoinhas, 76.3 miles. Timbo branch, Alagoinhas to Timbo, 51.4 miles. Gauge, 5 feet 3 inches. This branch was opened for traffic March 30, 1887, and is a separate undertaking, the estimated cost was $1,490,000, on which there is a government guaranty of 6 per cent.; the guaranty on the main line is 7 per cent. This is an English corporation.

Bahia and San Francisco Railway Extension.—Line of road, Alagoinhas to Villa Novada Rainha, 199.6 miles. Gauge, 1 meter. This line is owned by the provincial government of Bahia and forms an extension of the Bahia and San Francisco Railway, northwest from its terminus at Alagoinhas. In 1881, it was in operation from Alagoinhas to Santa Lucia, 112.2 miles. A continuation of this line is now under construction to Joazeiro on the San Francisco River.

Bananal, Rio de Janeiro Railway, from the Saudade station on the Dom Pedro II. line to Bananal, 19.2 miles; opened February 1, 1889.

Brazil Great Southern Railway, from Cuarim River, the dividing line between Uruguay and Brazil, to the town of Itague, on the Uruguay River, 110 miles, all in the province of the Rio Grande do Sul; line was opened for traffic December 31, 1888. It has a government guaranty of 6 per cent. on a capital of £675,000, with reservation of right to purchase after ninety years. It is owned by a British corporation.

Central Bahia Railway, province of Bahia, main line Sao Felix to Queimadinhas, 170 miles, branch, Cachoeira to Feira de Santa Anna, 15 miles. Gauge, 3 feet 6 inches. The construction was begun in 1880, and the line completed in sections; it was opened to Queimadinhas in December, 1885; there is a government guaranty of 7 per cent. on the capital, $7,130,000, for thirty years. The line is projected to the San Francisco River, and stock has been issued for the construction of a branch line to Olhos and Agua. This line is owned by a British corporation.

Campos and Carangola Railway, from Campos to Porto Alegre, 101 miles, Patrocinio branch, 24.2 miles; Itabopoano branch, 13 miles; total completed, 117.2 miles. The main line is projected to Santo dos Tombos on the boundary line of the province of Minas Geraes. Gauge, 1 meter. Construction was begun in 1876, and the first section of the main line opened December, 1878; second October, 1882. This line has a government guaranty of 7 per cent. on $3,375,000 capital for a period of thirty years, terminating March 20, 1905, and is owned by a Brazilian company chartered in 1872.

Companhia Bragantina, Campo Lempo station on the S. B. Railway to Braganza, 32.2 miles. Gauge, 1 meter. Construction and equipment to December 31, 1886, amounted to $35,000 per mile.

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* See page 161 for this report.

Companhia Estrada de Ferro Macahé é Campos.—Line of road from Campos to port of Imbetiba, 59.5 miles. This company has a concession from the provincial government of Rio de Janeiro.

Conde D'Eu Railway (province of Parahyba), from Parahyba to Independencia, 60 miles, branch from Cobé Junction to Pilar, 15 miles. Total, 75 miles. The following are projected: Extension of main line to Cabedello, 11.2 miles, to be constructed in one year, extension of branch to Inga, and construction of branch from Malungu to Alagoa Grande. Gauge, 1 meter. British corporation, organized in 1875. Construction was begun in 1882; the road opened to Molungu September, 1883, to Independencia June, 1884; branch line November, 1883. This line has a government guaranty of 7 per cent. per annum on maximum capital of $3,375,000, with option of purchase. Loss on operating for year ending June 30, 1888, $50,000.

Corcovada Railway, from Larangeiras to Mount Corcovada, 2.5 miles.

Dom Pedro Segundo Railroad main line and branches in province of Rio Janeiro, etc., radiating from the city of Rio Janeiro to leading towns of the interior, connecting with all other important lines of railway in the province of Rio Janeiro, Espiritu Santo, Minas Geraes, and San Paulo. Total length, 460 miles. Gauge, 5 feet 3 inches. This road was built and owned by the Imperial Government of Brazil and named after the Emperor Dom Pedro II. Its construction was begun in 1862, in which year 39 miles of main line were opened. Extensions and branches were opened from time to time and constructive operations are not yet closed.

Donna Theresa Christina Railway, from Laguna to Imbetuba and Tuberao (coal mines), province of Santa Catarina, 71.9 miles. Guage, 1 meter. British corporation, organized in 1876. This line has a government guaranty on $3,155,000 capital, with privilege of purchase.

Estrada de Ferro Baturite.—Line of road from Fortaleza, province of Cerea, to Canao; total length, including branches to Alfandega from Maracanahu to Maranguape and the extension from Canao to Baturite, 68.6 miles. Gauge, 1 meter. Owned by the provincial government of Cerea.

Estrada de Ferro de Cantagallo, from Nictheroy to Rio Bonita and to Passageme via Macaco, with branch to Parahyba Corte and San José; total, 165 miles. Gauge, 1.1 meters. This road was owned by the provincial government of Rio de Janeiro, but was purchased in August, 1887, by the Leopoldino Railway Company.

Great Western of Brazil Railway Company, from Recife to Limeoiro, 60 miles; branch from Nazareth to Timbauba, 27 miles; total, 87 miles. Gauge, 3 feet 3⅜ inches. The construction was begun in 1881, and the whole of the main line completed and opened in September, 1882. In 1886 the company undertook an extension to Timbauba without a government guaranty. This is a British corporation and has a government guaranty of 7 per cent. per annum on a capital of $2,812,500, with option of purchase.

Imperial Brazilian Natal and Nova Cruz Railway Company.—Main line from Natal to Nova Cruz, 75 miles. Gauge, 3 feet 3⅜ inches. This line has a government guaranty of 7 per cent. per annum on a capital of $3,091,500, with option of purchase after thirty years. It was operated in 1886 at a loss.

Ituana Railway, from Jundiahy to Piracicaba, 122.4 miles; branch from main line to Itu, 14 miles; total, 136.4 miles. Gauge, 1 meter. Extension to San Manoel projected. The road was opened in February, 1877. It has a guaranty of 7 per cent. by the provincial government of San Paulo.

Leopoldina Railway (province of Minas Geraes), from Porto Novo de Cunha (Junction Dom Pedro II Railroad) via Leopoldina and Sao Geraldo northwest. Total length of completed main line and branches, 184.1 miles; extensions and branches projected, 40.3 miles. Gauge, 1 meter. In August, 1887, this road purchased from the province of Rio de Janeiro the Cantagallo Railway, 165 miles, extending from Nictheroy to Macuco in the province of Rio Janeiro.

Madeira and Mamore Railway, projected along the Madeira River, 205 miles, to carry

* There is published a very finely illustrated description of this road, a railway of perhaps finer construction than any other in South America.

traffic around the falls. A concession was granted by the Brazilian Government to G. E. Church, April 20, 1875, for the building of this road and granted bonds, etc., for the purpose. The estimated cost was about $30,000 per mile.

Minas Central Railway of Brazil, under construction from a point of junction with the Dom Pedro Segundo Railroad, to the city of Pitangui on the San Francisco River, about 150 miles. The concession was granted by the government of the province of Minas Geraes, which guaranties an income of $300,000 for thirty years from the construction of the line, and interest during construction; the company is also guarantied a monopoly for fifty years, during which time no competing line can be built within 18 miles. This line is owned by a British corporation.

Minas and Rio Railway, from Cruzeiro (Junction Dom Pedro Segundo Railroad, Province of San Paulo) to Tres Coracoes (province of Minas Geraes), 105.4 miles. Gauge, 1 meter. This road was opened in 1884, and is owned by a British corporation registered in 1880, which has a government guaranty of 7 per cent. per annum on a maximum capital of about $8,715,000, with option of purchase.

Mogyanna Railroad, from Campinas to Casa Branca, 173 miles, with branches from Jaguary to Amparo, 90 miles; Sertaochino to Ribiero Preto, 90 miles; Mogy to Penha, 13 miles, etc.; total, 341.6 miles. Under construction, 116.5 miles. Gauge, 1 meter. The line is divided into three sections, the first and second are open for traffic and the third is under construction. This line is owned by a Brazilian corporation.

Para and Braganca Railway (province of Para).—Line of road projected from Belem (or Para) to Braganca, 129.6 miles. Completed from Belem 36.6 miles; narrow gauge.

Paranagua and Caratiba Railroad (province of Paranagua), from Paranagua to Morretes, 68.8 miles. Gauge, 1 meter.

Paulo Alfonso Railway (province of Alagoas), from Piranhas to Jatoba, 71.9 miles, following the north bank of the San Francisco River. Gauge, 1 meter. Built and owned by provincial government of Alagoas; opened in August, 1883, and worked at a loss. Total cost, $2,550,000.

Porto Alegre and New Hamburgo (Brazilian) Railway (province of São Pedro de Rio Grande do Sul), from Porte Alegre to New Hamburgo, 26.7 miles; gauge, 1 meter. This line is owned by a British corporation.

Recife and Caruaru Railway (province of Pernambuco), under construction from Recife westward to Caruaru, 68.2 miles; gauge, 1 meter; 47.1 miles are open for traffic.

Recife and São Francisco (Parnambuco), Railway from Cinco Pontas (city of Recife) to Una (or Palmares), 77.5 miles; gauge, 5 feet 3 inches. The construction of this line was begun in 1856 and completed in 1862. It has a Government guaranty of 7 per cent.

Recife and São Francisco (Pernambuco) Extension, from Una to Garanhuns, 90.5 miles, built and owned by the provincial government of Pernambuco. Constructed in in 1882–'85. Gauge, 1 meter.

Rio de Janeiro and Northern.—Concession granted by the Brazilian Government November 4, 1882, runs for seventy years, after which the railroad reverts to the Government. In 1888 an agreement was entered into for the purchase of the property of the Principe de Grao Para Railway Company, comprising 57 miles of road constructed, with 16 miles to be completed about August, 1889. This latter line of road extended from Manua to the city of Petropolis and thence to San José de Rio. A further extension to Entre Rios to connect with the Dom Pedro II Railroad is under construction.

Rio de Ouro Railway, from Quinta do Caja to Rio de Ouro, 33 miles, with branches to Iguassa, 7.4 miles; to Eageagerode Dentro, 933 meters; to Olaire Reis, 274 meters; total length of main line and branches, 40.4 miles. Owned by the Government and used for the purpose of conveying material for the works which supply the city of Rio de Janeiro with water. Gauge, 1 meter. Worked at a considerable loss.

San Paulo Brazilian Railway, from Santos to Jundiahy, 86.2 miles; gauge, 5 feet 3 inches. The construction of this line was begun in 1860, and the line opened February, 1867. The total cost was about $10,000,000. The company has a Government guaranty of 7 per cent. per annum on capital stock of $13,250,000, with option of purchase.

San Paulo and Rio Janeiro Railway, from San Paulo to Cachoeira and junction with the Dom Pedro II Railway, 143.8 miles; gauge, 1 meter. The road was opened throughout July 8, 1877. The provincial government of San Paulo guaranties 7 per cent. per annum on $6,000,000, with right to purchase. The due payment of this interest for thirty years is guarantied by the Brazilian Government.

Santo Amaro Railway, from city of Santo Amaro to Jacu, 22.3 miles; gauge, 1 meter. Owned by the provincial government of Bahia.

Santo Antonio de Padua Railway (province of Rio de Janeiro), from Lucca to Miracema, 57.6 miles. Sold to the C. E. F. Macahe and Campos. Gauge, 2 feet 11½ inches.

São Carlos de Pinhal Railway: 47.7 miles were opened May 2, 1883, and there is under construction 25.5 miles. Branch lines to Brotos and Jahu are under construction, and the Dane Corregas section of the latter branch was opened September 7, 1886. There is now completed in all 163.7 miles.

Sobral Railway (province of Ceara), from Camocim to Sobral, 80 miles. An extension of 61.2 miles to Ipu is projected. This road was built by the Government and was operated in 1884 at a loss.

Sorocabana Railway, from San Paulo to Tieté, 118 miles; gauge, 1 meter. An extension to Botucatu is in progress, and the Cerquiho Laranjai section of same was opened May 24, 1886. The road was opened to Tieté in 1885. This line is owned by a Brazilian corporation. Completed 137.6 miles.

Southern Brazilian Rio Grande do Sul Railway, from Rio Grande to Bagé, 173.6 miles; gauge, 1 meter. Line opened December, 1884. By the terms of the concession the Government guaranties for thirty years 7 per cent. per annum on a capital of $7,605,000, with no competing line within 20 kilometers to be sanctioned for ninety years without the company's consent, but reserves the option of purchase after thirty years.

Taquary and Uruguayana Railway, projected to run from Taquary near Porto Alegre, due west to Uruguayana. From Taquary to Santa Maria 162.40 miles is already completed, between Santa Maria to Cacoquay 71.5 miles more under construction, leaving 164.5 miles yet to be constructed. Gauge, 1 meter. This line was operated in 1888 at a loss.

Unaio Valenciana Railway, Desengano to Rio Preto, 39 miles; gauge, 1.1 meter.

Western Railway of San Paulo (Companhia Paulista de Estrada de Ferro de Oeste), from Jundiahy (junction San Paulo Railway) via Campinas to Belem do Descalvados, 125 miles, with branch from Condeiras via Rio Claro to the Mogy Gassu river at Pinhal, 26 miles; total, 151 miles. Gauge, 5 feet 3 inches. This road was built by a Brazilian corporation without the aid of foreign capital and its total cost was about $32,500 per mile.

There are a number of other lines aggregating 526.6 miles, the most important being the *Oeste de Minas*, 125.2 miles in length. The others are given in the table.

PROJECTED RAILROADS IN SOUTH BRAZIL.

Having been handed a pamphlet upon the projected lines of railroad for the southern portion of Brazil, I have made copies thereof, one of which I inclose, thinking some of our railroad men might like to know what was going on in this part of South America.

The line from San Francisco, just north of this port passing here, thence to Porto Alegre, I believe, is in the hands of an English company, and they expect the final or third passage through the present house of deputies to take place in a few days, when work is to be commenced. The chart will otherwise explain itself.

[Translation.]

ON THE PROJECTED LINES OF RAILROAD IN THE SOUTHERN PORTION OF BRAZIL.

We will divide the execution of the plan of railways herein delineated in the southern part of Brazil into three classes, viz:

(1) Lines of great necessity, "urgent," which we designate "primary."

(2) Lines in continuation of the above, which we will term "secondary" lines.

(3) Ultimately at a more remote period, as the increase of population will warrant, those we will denominate "final" lines of construction.

PRIMARY LINES.

(1) From the best port in the province of Santa Catharina to the city of Porto Alegre, capital of the province of Rio Grande do Sul.

(2) From the western part of Rio Grande do Sul. Porto Alegre to Uruguayana.

(3) Alegrete to Quarahim.

(4) In the southern part of the province of Rio Grande do Sul, from Porto Alegre to Jaguarão.

SECONDARY LINES.

(1) From Sorocaba to the bay of San Francisco, province of Santa Catharina.

(2) From San Francisco, province of Santa Catharina, to the two rivers San Antonio and Pepery-Guassú.

(3) Erom São Gabriel to Jaguarão, passing through Bagé.

(4) From Alegrete to São Borja.

(5) From Bagé to the terminus of one of the eastern lines on the frontier.

(6) From São Gabriel to Santa Anna do Livramento.

FINAL LINES OF CONSTRUCTION.

(1) Those from the ports of Santos, Paranagua, and Desterro, in direction, respectively, of the Colony Douradas, Sete Quedas in Parane, Pepery-Guassu, and São Borja.

(2) The lines from São Gabriel, passing through Santa Maria da Boca da Monte, Passo Fundo, and near to the city of Goyaz, may take direction to a point on the right bank of the Amazon, between 9° and 17° long. W. of Rio de Janeiro. This will be the Central Brazilian line, at some point of which, when partially developed, is destined to be the future capital of Brazil.

The lines above mentioned are to run from the ports of Santos, Paranagua, Sao Francisco, and Desterro in direction west, crossing the future Brazilian central line. It is not impossible, or impracticable, that a line could be constructed running from the port of Valparaiso, taking an easterly course, and finding way over these several lines, to the South Atlantic coast.

In a petition we made to the Imperial Government in 1865, from Paris, we asserted, in order to give the province of Rio Grand do Sul a sure and available communication with the ocean, that it would be necessary to unite the capital by rail with the port of Santa Catharina, and that this line might serve as the common junction for the three great international lines, viz:

First. To bring the city of Montevideo within eighty hours from the imperial capital.

Second. To make the Santa Catharina line the terminus for the ports of the republic on the South Pacific coast.

Lastly. To bring the city of Ascuncion, capital of Paraguay, within four days distance from Rio de Janeiro.

By following this plan the result will be our having three railroad lines terminating at as many different points on the frontier of the Empire.

On account of the extraordinary progress developing within the States on the Pacific coast, thereby enlarging the field of our operations, there is a necessity for these lines to meet those from Cobija, Caldera, or Copiapo, which are in search of outlets, the nearest upon the Brazilian coast, thus establishing great interoceanic lines.

NOTE.—Within the zone embracing the province of Santa Catharina, between the general mountain range and the ocean, is where colonies have been established, which, under different headings, represent a sum of not less than $60,000,000,000 expended by the general government with the intention of developing the interest of this zone. It is here the lands are located which were given to the Imperial Princess as dotal patrimony.

On this continent Washington and the future capital of Brazil, united by a complete system of railroads, shall form the two grand centers, both political and commercial, which shall be the regulator of ideas in this part of the globe.

As the United States of America employ all their efforts to foster through railroads their interest with those of Mexico and the British possessions, so Brazil, with equal energy, should nurse the aspirations of her people in unison with this interest with those of the various independent States on her border.

This we understand ought to be one of the principal objects of those charged with the destinies of the country.

If the traditional policy of Peter the Great of Russia, that the eagle of the Romanoffs should extend its flight to the Bosporus and the Bay of Bengal, that of Brazil ought to bind together intimately the different points of her possessions, and extend her influence to Cape Horn and the South Pacific.

The locomotive is destined to unite the two oceans which border the South American continent, assisted by the two grand water-courses, the Amazon and La Plata. (Report by Consular Agent Comsett, of Desterro, September 10, 1882.)

RAILROADS AND STEAM-SHIPS OF SOUTHERN BRAZIL.

In this province, São Pedro do Rio Grande do Sul, there are at present three railways in operation, and one or two other lines projected for which preliminary surveys have been made.

The lines in operation are, first, Estrada de Ferro do Rio Grande á Bagé, opened for traffic on December 2, 1884; second, Estrada de Ferro de Porto Alegre a Uruguayana, opened in March, 1883, and third, Estrada de Ferro de Porto Alegre á Nova Hamburgo, opened in 1875.

The first line runs from the city of Rio Grande do Sul, in the southern part of the province, along the low sandy shores of Lagoa dos Patos to Pelotas, a city of over 10,000 inhabitants, distant 52.5 kilometers (32.6 miles); from thence almost due west to Bagé, the present terminus—a total distance from Rio Grande do Sul of 280.2 kilometers, or 174 English miles, and within 80 miles of the boundary line between the Republic of Uruguay and the Empire of Brazil.

The road is substantially built; has a gauge of 1 meter, or 1.09 yards, and is laid with heavy T rails, of English manufacture, on hard-wood sleepers, secured with spikes, and ends joined with fish-plates and bolts. It was built, and is at present owned and operated, by an English company. The locomotives are from the famous Baldwin Locomotive Works in the United States, of the "Mogul" pattern, burning Cardiff coal and patent fuel, which is simply very fine coal mixed with some resinous substance and pressed into hard blocks. Passenger coaches are of two classes; those for the first-class passengers were made in the United States and on the American plan, and those for second-class passengers were made in Europe, but on the same plan as the first-class coaches. The traffic, or freight cars are of Brazilian make, being light and short, mounted on a single truck at each end. It is expected to extend this road to the Brazilian boundary.

The latest published official returns showing the receipts and expenses of the road are for the year 1886, in which year its receipts were, reduced to United States currency, $329,645, and expenses, including improvements, $306,364, leaving an unexpended balance of $23,281. In that year it carried 105,465 passengers of all classes, and 20,735 tons of freight. First-class passenger rates from Rio Grande to Bagé are $10; round trip, $15. Freight is divided into five classes under the tariff list of the company. For first-class freight the charge is $28 per ton from Rio Grande to Bagé, and for fifth-class, $6.70 per ton. The road was built at an average cost of $37,000 per mile, under a guaranty by the Brazilian Government of 7 per cent. per annum on the capital stock subscribed; provided, however, so much is expended annually in extending the line or on improvements of the line already built by the company, which improvements are under the control and direction of the Government's agents, termed fiscal engineers.

If the operating expenses should exceed the receipts, the 7 per cent. guaranty by the Government is first applied to the payment of that deficit, and if not sufficient to discharge it, the Government's responsibility extends no further. A number of subscribers to the capital stock were under the impression that the guaranty of 7 per cent. per annum by the Brazilian Government was unconditional, but they have since learned differently; for last year a dividend of 5 per cent. only was declared, which is practically a deficit of 2 per cent. on the gross receipts of the road.

The second road, when completed, will run from Porto Alegro, the capital of the province, in the central eastern part to Uruguayana, on the Uruguay River, a distance of 378 miles. However, it is not completed over two-thirds of the way, the work of track-laying progressing slowly. This is the central road of the province, dividing it east and west into two nearly equal parts, and when completed will con-

nect the capital, a city of 40,000 inhabitants, with the Argentine Confederation at Uruguayana, where the Brazilian Government has a custom-house. It is owned and operated by the Government and is 1 meter in gauge. I know nothing of the engines and cars.

The receipts for the fiscal year 1886 of this road were $219,063; expenses, $254,310, leaving a deficit of $35,247; number of passengers, 40,515; freight, 34,701 tons.

The third and last line in operation is a short one, 26 miles in length, connecting the capital with New Hamburg, a large German settlement. It is owned by an English company, and in 1886 had a deficit of $1,878 but I am informed that under its recent management it will pay a small dividend this year.

Some time since a survey was made by the Government for a road from Porto Alegro to the port of São Francisco, in the province of Santa Catharina, the object of which was to give an outlet to the sea for the northern and western part of the province without passing through Lago dos Patos over the Rio Grande bar. This survey has been retracted by the Government, as the road it now operates does not pay expenses.

The sum of $100,000 has been subscribed by citizens of this city and Pelotas for the building of a steam tramway running from the suburbs of this city to the sea-shore, a distance of 11 miles, where extensive grounds will be arranged for a pleasure resort. This road will be built, the name of the company being Companhia de Binds suburbanos do Mangueira. (Report of Lebbeus G. Bennington, consul at Rio Grande do Sul, July 9, 1888.)

BRAZILIAN RAILROADS.

At the close of the year 1887 there were in operation in Brazil 5,222 miles of railroad, of which 1,251 belonged to the general government, 59 to provincial governments, and 3,912 to companies and individuals. Of the last named, 1,340 miles were built without assistance from the general or provincial governments. The provincial governments aided, either by subsidies or by guarantying interest on the capital invested, in the construction of 972 miles, and the general government is responsible for interest on the capital invested in 1,600 miles.

At the same time there were in construction 870 miles of railway, of which about 450 miles it is estimated have since been completed, making the total length of the railways in operation in Brazil nearly 5,700 miles.

Nearly one-fourth of the total mileage is in the province of Sao Paulo, and it is in this province that railroads are most prosperous. At the close of 1886 there were in the province eight railroads whose total length was 1,124 miles, besides a part of the principal government road, the D. Pedro II. The cost of building these eight roads was $49,498,000. Up to that time the general government had expended on them in the form of guarantied interest the sum of $7,364,040, of which $2,473,420 had been repaid. The provincial government had expended $3,752,185, the amount repaid being $234,403. The operating expenses of the eight roads in 1886 were $4,263,252, and the receipts $8,399,595.

Outside of the province of São Paulo there are few prosperous railroads in the Empire. Of those belonging to the Government the only one that pays a reasonable interest on the capital invested in it is the D. Pedro II. This road, which in 1886 was 463 miles long, had cost up to that time $53,833,000. In that year the operating expenses of the road were $3,534,082 and the receipts $6,304,983.

On none of the other Government roads were the receipts that year sufficient to pay operating expenses. These expenses amounted to $1,112,370, while the receipts were only $773,450. The cost of these roads, which were at that time 704 miles long, was $48,180,000.

Of the roads receiving Government aid there are some which have drawn from the State in guarantied interest a larger sum than the original cost of construction. These roads, which in 1886 were 1,445 miles long, had cost up to that time $94,113,000. At the close of 1887, when the length of these roads (seventeen in number) was, as has already been stated, 1,600 miles, the companies owning them had received from the Government in guarantied interest the sum of $61,757,828.

From these figures it will be seen that the large increase in the annual expenditures of the Government and, consequently, in the public debt and the burdens of taxation is partly due to the liabilities incurred in promoting the construction of Government and assisted railroads.

On the other hand, it is undoubtedly true that the railroads so constructed have contributed to stimulate production, promote progress, and increase the annual revenue of the Government.

The data of which I have made use in treating of railroads had to be drawn from various sources, there being no single work in which recent and complete information can be obtained. This remark applies with still greater force to the statistics

of manufacturing industry in this country. (Report by Consul-General Armstrong, Rio Janeiro, June 1, 1889.)

Under date of August 31, 1889, Consul Borstel, of Pernambuco, reports that the contract to build a new railroad in the province of Piauhy, in this consular district, has been awarded to Dr. Newton Coyar Bustlamaqui, a Brazilian. This line will be narrow-gauge, and will begin in the city of Amarante, a small sea-port town in the above-named province, and run to the sierra called Dais Amaas, or Two Brothers, in the same province, a distance of 700 kilometers, or 140 leagues. Dr. Bustlamaqui has an additional contract to carry on the line from the said sierra to the city of Petrolina, on the banks of the River San Francisco, in the province of Pernambuco, a distance of 200 kilometers, or 40 leagues. This is thesame line of which some meager account was sent in my dispatch No. 33, of April 14, 1888. The estimated cost of the line is $12,000 per kilometer, or close to $10,000,000 for the whole line. The Government guarantied 6 per. cent. yearly upon the capital expended until the line is finished to its satisfaction.

BRITISH GUIANA.

Demarara Railway, from Georgetown to Mahaica, 20 miles. This line is owned by a British corporation organized in 1845. The road was completed and opened throughout its entire length, September 1, 1864, and has a gauge of 4 feet 8½ inches. The net earnings for 1888 were $67,145.

THE INTERCONTINENTAL RAILWAY.

The idea of an intercontinental railway was given prominence some years ago by Mr. Helper in his book, the "Three Americas Railway," containing some essays written upon the subject at his request. The Commission appointed under act of Congress approved July 7, 1884, "to ascertain and report on the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America," made inquiries in those countries in regard to the feasibility of such a line. Their report, published in 1885 and 1886, contains much valuable information.

An interesting contribution to this subject was also made by John E. Bacon, United States minister to Uruguay. He discusses the feasibility of the line, and names several general routes which might be followed. His report is published in "Trade and Transportation," by William E. Curtis (Government publication), and in volume 26 Consular Reports, State Department.

Summing up the detailed information it is seen that much has already been accomplished in the direction of an intercontinental railway.

A glance at the map of the Western Hemisphere will show that in the north the railways of the United States extend east and west, north and south; they join those of Mexico at several points, and extend in several lines southward to the City of Mexico, whence lines have been projected to the boundary of Central America, and one is under construction. Again, in South America, railways cover the southern part in all directions, converge northward and proceed onward in a single line.

The railway systems of the United States reach the frontier at four points: Nogales, El Paso, Eagle Pass, and Laredo.

At Nogales, the Sonora road extends to Guaymas, from which point another line is projected southward along the Pacific coast, as far as Mazatlan, and indeed to Guerrero, which would eventually connect it with the City of Mexico. From El Paso which is 2,456 miles from New York and 1,286 from San Francisco, the Mexican Central Railroad goes 1,224 miles to the City of Mexico. From Eagle Pass, 2,083 miles from New York and 1,819 miles from San Francisco, the Mexican International to Torreon on the Mexican Central, 384 miles, and thence to the City of Mexico, in all 1,091 miles, and from Laredo, 2,187 miles from New York, the Mexican National, 839 miles to the City of Mexico.

The City of Mexico may then be taken as another starting point.

The Mexican Southern has been projected from the City of Mexico through Puebla, Tehuacan, Oaxaca, etc., to Tehuantepec, and thence along the coast to the frontier of Guatemala, 768 miles. A line is already in operation 183 miles south of the City of Mexico, and the line above mentioned is under construction. A great portion is already surveyed, the remainder will soon be located, and it is believed that the construction will be completed at no distant day. A branch was projected from Tonala to San Cristobal. That this route has been chosen to reach Central America would seem to show that it is the best. It reaches the population where it is densest around Oaxaca, and it goes from there along the route easiest of construction except perhaps for the numerous bridges required from Tehuantepec southward along the coast. The elevation, gradually increasing from Tehuantepec, would reach at Tapachula about 1,000 feet.

From the City of Mexico there is another route. The Mexican Railway may be taken to Vera Cruz, 263 miles, and then the Alvarado road to Alvarado, 34 miles, or 297 in all. This latter road has a concession for an extension to the Isthmus of Tehuantepec. The Continental Railway, projected from Matamoras along the Gulf coast, will also follow this route south of Vera Cruz. None of this latter line has been surveyed, but for a portion of the distance there is a level strip of land between the coast and the mountains which would permit of a railway, yet the mountains at places approach the coast very closely. From Alvarado to Minatitlan, on the Isthmus, would be about 110 miles. At this point the Tehuantepec Railway might be used to Tehuantepec, or a southeasterly direction, following the cart roads into the interior to the city of San Cristobal, 200 miles further, or 607 miles in all from the City of Mexico, and from that point the same general direction to the frontier of Guatemala. The heights on the Isthmus are moderate, but the country to the eastward has not been surveyed. As an alternative line, this would not be any more difficult of construction than the Mexican Southern; that its length is less makes its worthy of consideration, and being in the interior, it would have a healthier situation.

The coast may still be followed by the first route through the State of Guatemala. It is said that a survey is being made for a line from Guatemala City to connect with the road from Tonala, but it has not been announced yet what route it will take, however, it is probable that it will follow the coast, gradually ascending from Tapachula to Retalhuleu, meeting the railway from Champerico, thence to Escuintla, 1,450 feet above the sea, which is a point on the railway from San José to Guatemala City. Contracts have recently been made for the extension of this latter line to Santo Tomas, making it a means of interoceanic communication. The distance from Tapachula to Escuintla is about 145 miles.

From Escuintla the line may again follow the coast through the State of Salvador to San Miguel or La Union, the distance to the latter point being about 218 miles, but there are few inhabitants along the coast, and branches would have to be built to the capital and other important cities; hence it would be better to go at once from Escuintla to San Salvador 126 miles, crossing the railroad from Acajutla to Santa Ana at Sonsonate, then the high land can be followed through the important cities of Cojutepeque and San Vicente to San Miguel. Such a line would reach the greater portion of the population and would be in a healthy location. The grades would not be too heavy, as shown by the elevations determined by the French expedition. The traffic of the country is carried by the cart roads along about the same route. From San Salvador to San Miguel is above 90 miles.

Taking up again the interior route at San Cristobal in Mexico, a general southeasterly direction might be taken to Totonicapan, Solola and Guatemala City, a total of about 205 miles from San Cristobal. While this route reaches the mass of the population and the fertile reigons, yet the topography is such as to make construction difficult. It is mountainous, the spurs or chains running in a direction almost perpendicular to the line, with deep valleys between. However, it is again to be noticed that the distance is apparently less from the City of Mexico than by the coast route.

From Guatemala City the line may then proceed by the shortest route to the city of Santa Ana and San Salvador, whence the route previously described may be followed, or the line may go from Guatemala City to Jutiapa, and thence down the valley of the Lempa in a general direction parallel to the coast, with branches to the principal cities. Such a railroad has been spoken of by the capitalists of Salvador and has indeed been projected. A line is said to be under construction from San Miguel to La Union, which is no doubt part of the general project. The distance through this State is about 170 miles.

From San Miguel the line may go directly west over almost level ground to the river Goascoran, crossing the projected Honduras Interoceanic Railway for which surveys were made as long ago as 1853, and which clearly show the nature of the country in this vicinity.

The surveys for the Nicaragua Canal have covered the territory in the western part of the State of Nicaragua, and these show to the country be very favorable for railway building.

Here again there is a large proportion of the population in the cities of Leon, Managua, Granada, Rivas, etc. The Nicaragua Railway having a general direction parallel to the coast may be used in the through line. At the Goascoran, the line will be about at sea-level and little change in elevation will be required from this point almost to the Isthmus of Panama.

Crossing the Goascoran, the line will skirt the Gulf of Fonseca, passing through the State of Honduras, the town of Choluteca, crossing the Rio Negro, and thence to the nearest point, Chinandega, of the Nicaragua Railway. The distance through Honduras will be about 90 miles to Chinandega, or about 120 miles from San Miguel. The Nicaraguan Railway consists of two sections, 58 miles and 32 miles each in length, communication between them being carried on by a line of steam-boats on Lake Managua, but they could easily be united by a line of railway. About 45 miles only of the first section can be used in the through line from Chinandega to Momotombo. From Granada, the southern terminus of the Nicaragua Railway, the Intercontinental line would then follow the shores of Lake Nicaragua to the city of Rivas (or Nicaragua), 150 miles from Chinandega, and still following the lake would cross the frontier line of Costa Rica.

Here the question arises as to whether the Pacific or the Atlantic slope should be followed. It is reported that a syndicate has been formed to build a line from Jimenez, on the Costa Rica Railway, northwestward to the mouth of the San Carlos River, and that the concession has been granted by the government. A concession has been granted very recently for another line from Esparta northwestward to the Nicaragua boundary. The general line may take either of these: the Atlantic or the Pacific coast being followed to the isthmus, or the Pacific coast to Esparta, thence across the State by the line now almost completed to Matina and from there south along the Atlantic coast.

While the latter would pass through the most populous region, it would be longer than either of the others, and the grades of the Costa Rica Railway are heavy. The distance from the northern to the southern boundary is the same by either of the other routes, but it is believed that the Atlantic slope is richer both in agricultural and mineral productions, and hence would no doubt be better for the through line. From the Nicaragua boundary the line would reach the nearest point of the San Carlos line, thence to Jimenez on the Costa Rica Railway, thence to Matina, and southward along the coast. From the southern terminus of the Nicaraguan Railway to Jimenez is about 210 miles, of which about 75 miles will be along the San Carlos line. From Jimenez to Matina is about 33 miles, and from Matina, to the frontier about 130 miles.

Thus to carry communication through Central America from the City of Mexico requires about 1,700 miles of railway, of which 293 miles are already constructed and in operation, 780 miles are under construction and survey, and 625 remain still to be located. The figures for the line through the interior are slightly different, but in each case they can only be approximate on account of the inaccuracy of the maps. Few surveys have been made, and those are confined to some route proposed for a railway or a canal.

The elevations, as has been said, from San Miguel in Salvador, all the way to the southern boundary of Costa Rica, do not change much, and hence the grades will probably be light. There are a number of rivers, but it is believed that none of them would require long or expensive bridges. The engineer's estimates for the Costa Rica Railway were $37,500 per mile, and this in the difficult part; hence the average cost of the International line from the City of Mexico through Central America would probably be no greater. The traffic which it would reach would undoubtedly be remunerative, for all these countries are very rich both in agricultural and mineral resources.

By a glance at the map of South America it will be seen that its railways lie upon the outer border, with the exception perhaps of the projected line around the rapids of the Madeira River. In the south the railways of Chili, Argentine, Uruguay and Paraguay, and Brazil are already so united, or soon to be united, as to form great systems. Lines also have been projected in Peru and Bolivia which will eventually unite with those south of them, carrying rail communication as far north as Cuzco, in Peru, about 2,189 miles from Buenos Ayres. North of this little has been done that will be of use in the Intercontinental line.

Taking up the line at the boundary of Costa Rica, it must from there traverse the Isthmus of Panama to reach the commerce of the southern continent. Very little is known of the topography of the isthmus beyond a few miles on either side of the routes surveyed for interoceanic canals. However, these indicate that grades need not be difficult—although the experience of the Panama Railroad would show that there are many other difficulties to be overcome. The important point in this locality is, therefore, the saving of distance. The line, beginning on the north side, will at some convenient point cross to the south side, thence by the shortest distance to Quibdo, or some other convenient point in Colombia. Surveys may show that it is better to follow the north side of the isthmus. In any case the road must be built in the foot-hills to avoid the numerous water-courses and the low and marshy lands.

Having reached the Continent, there are several general routes open for choice, which for convenience will be called:

(1) The coast.

(2) The eastern slope of the Andes.

(3) The interior.

(4) The central plateau.

No. 1. The Andes in the north approach very near to the Pacific; the coast, except in the south, is thinly inhabitated, and is not the productive area of the continent, and hence would be unfavorable, except perhaps from the city of Guayaquil in Ecuador southward. Even upon this part there are objections to the selection of this route because of the proximity of water transportation and because the central plateau and the eastern slopes of the Andes are the populous and fertile regions of this portion of the continent. Yet it will be noticed that the Chilian railways form an almost unbroken line for 1,500 miles, and that Peru has numerous short lines which might be united. The coast line would be beneficial when these countries become more thickly settled and better developed.

No. 2. The line may be carried to the eastern slopes of the Andes and thence southward, but it would traverse a country without roads and with few inhabitants—a country thickly covered with forests and crossed by many streams, along which communication is maintained to the foot of the Cordilleras from which trails lead to the plateau. While this line would pass through a rich country where traffic might possibly be developed, yet difficulties of construction or even of location seem to be such as to render it almost impossible. If the line, however, is so located it should follow the dividing line of two water-sheds, cross the Amazon, and then take its course toward the northernmost point of the systems of the countries to the south, most likely Cuzco or Cerro de Pasco in Peru. At the latter of these there is a pass in the Cordillera through which traffic passes to reach the head of navigation in the Amazon. The line would thus descend from an elevation of about 12,000 feet in Colombia to 400 feet on the Amazon and ascend again to about 11,000 feet at Cerro de Pasco or Cuzco.

No. 3. The interior route, on account of the immense breadth of the rivers, their number, the density of the forests, and the lack of population, is almost out of the question. While this country is undoubtedly very fertile it is almost entirely unknown; but when it becomes known and more thickly settled this route would be valuable, because it reaches in the shortest distance the populated regions of the southeast.

No. 4. There remains, then, the route by the central plateau, against which fewer objections seem to exist than against any of the others. It would reach throughout its length the most thickly settled portion of the continent; it would reach all its mineral wealth and connect with nearly all the railways so far projected, and besides there are but a few points where great difficulty would be found in the location. One of these has already been mentioned, near Popayan in Colombia; another is between Pasto and Ibarra in Ecuador, and another near Loja in Ecuador, all caused by lateral ridges of the Andes. One of these might be avoided by crossing the Cordillera in Ecuador to Macas, thence south along the eastern slope to Moyobamba, and thence to Cerro de Pasco.

The line through Colombia may follow two routes: The valley of the Cauca or the valley of the Magdalena. The Cauca Valley is more fertile and thickly inhabited, and being nearer to the Isthmus will require less construction than the intercontinental line. It may, however, be deemed desirable to reach Bogotá, the capital, which might be done by a branch, the main line being carried along the Cauca. A branch might also be extended to Venezuela. The Antioquia Railway, already partly constructed, could be used as part of it. The Cauca Valley is spoken of more favorably by Colombians than the Magdalena, although lines to Bogotá have been projected and a French syndicate is endeavoring to obtain a concession for this. Whichever valley is followed, a portion of Colombia is reached about which very little is known. The old Spanish road extends from Popayan, at the head of the Cauca, southward along the central plateau, but nothing is known about the country southward from the Magdalena across the Cordilleras. This is one difficult portion of the proposed line, and how difficult it is impossible to estimate.

The line may then be described as follows: Leaving Quibdo in Colombia, the Cauca Valley would be entered at the first available opening in the Cordillera, and would be followed with an ascending grade to Buga, Cartago and Popayan; then, crossing the lateral ridge, enter the plateau proper, passing through Pasto and Ibarra to Quito. A railway has been projected to this point from Sibambe, 150 miles south, to which point the line from Guayaquil is now being constructed. From Sibambe the through line may go to Cuenca and Loja, thence into Peru and the valley of the Marañon, and to Cerro de Pasco, where it will meet the line projected from Oroya. From some point on this line a branch is projected to Jauja, from which the Intercontinental Railway will go by the best route to Cuzco, where it will join the Mollendo, Arequipa and Puno Railway, of which a portion only has been constructed. When completed this line may be taken to Puno, from whence another line has been projected to La Paz in Bolivia. The portion of the Puno road referred to is about 92 miles in length, From La Paz a line is projected to Oruro and Huanchaca, from which point the projected line goes in two directions—one towards Antofagasta, the other southward to meet the Argentine line from Jujuy. The line from Antofagasta is under construction towards Huanchaca and the greater portion is built. The line from Jujuy is now within 120 miles of the Bolivian frontier.

The distances can be only approximately determined, except in the southern part. By measurement upon the maps I have obtained the following: From the frontier of Costa Rica through Quibdo the Cauca Valley and Popayan to Quito is about 985 miles; from Quito to Cerro de Pasco is about 805 miles; from Cerro de Pasco to Cuzco is about 350 miles; from Cuzco to Puno is 272 miles, Puno to La Paz 162. La Paz to Potosi 342, Potosi to Jujuy 420, Jujuy to Buenos Ayres 993, or from Cuzco to Buenos Ayres 2,189 miles.

From Cuzco in Peru to the railways of Costa Rica, about 2,300 miles, is the one long link which the Intercontinental line will be called upon to construct, for from Cuzco south to Buenos Ayres or Valparaiso it will be seen that railways are already built or projected.

The general elevation will be about 7,000 or 8,000 feet above the level of the sea. It rises in the Cauca Valley to perhaps 14,000 feet, sinks again in Ecuador,

rising to pass the lateral sierras, reaches its lowest level at the Maranon, and rises again to reach the great table-land of Bolivia.

To sum up: From the southern terminus of the railways in operation in Mexico to the northern terminus of the Argentine system is about 4,900 miles. In this distance there are already constructed about 230 miles which can be used in the through line, 1,800 miles are under construction and survey, and there remain 2,870 miles to be located in order to complete the line that will eventually unite the republics of the Western Hemisphere.

A more accurate statement of the location can not be made from present knowledge of the subject. Surveys are necessary; general, in order to give a more complete idea of the topography, and particular for the exact location of the line. Much of the country to be traversed is unknown; of the rest but few surveys have been undertaken.

A branch line has been projected in Bolivia from Oruro to Cochabamba. A line has been projected from Santa Cruz to the Paraguay. If these are built with a connection between Cochabamba and Santa Cruz, the commerce of Paraguay and Brazil will be reached. The line from the Paraguay is to go to Sucre, and might be extended to Potosi and Uyuni, joining at that point the Bolivian railways.

The route by the central plateau touches a number of transandine lines: The Cauca Railway, in Colombia, from Buenaventura to Cali, partly completed; the railway in Ecuador from Guayaquil to Sibambe, soon to be completed; the Oroya and Arequipa lines in Peru, now complete; and the Antofagasta and the Valparaiso lines, approaching completion.

Another route for the intercontinental line deserves mention. The Brazilian railways cover, more or less, the eastern coast of the continent. If these were joined and carried northward they would approach the Amazon. The Venezuelan lines are being connected with each other and are projected toward the interior. The Orinoco and the Amazon then form the only barrier between the railways of Venezuela and those of Brazil, but one which may almost be considered impassable.

SURVEYS.

It was stated that the information relating to the topography of the Spanish American countries is very limited. This is true of all these countries with perhaps one or two exceptions. Much of their area is unexplored, and few general surveys have ever been undertaken. Maps of each country are published, but they are on small scales, they differ greatly among themselves, and few are reliable, as the records of travelers show. A far better idea of the topography is obtained by reading books of travel; even this information is to be taken cautiously unless the writer is accustomed to accurate observation, consequently only general ideas can be formed of this portion of the Western Hemisphere.

The exceptions are where surveys have been undertaken for some particular purpose as a railway or interoceanic canal. It may be safely said of these, however, that little is known beyond ten miles on either side of the canal or railway line, and especially is this true of the canal lines, where the object was not a topographical survey, but merely the finding of a single line, which might be used for a canal. Some parts of these countries are inhabited by Indian tribes hostile to foreigners, other parts are sterile and bleak thus discouraging travel.

The lack of topographical information may be supplied by general surveys. This is done in the older and more thickly settled countries in various ways.

ORGANIZATIONS.*

In Great Britain the survey is called the ordnance survey, and is carried on by officers of the royal engineers, Lieut. Gen. Sir Henry James having been for many years at its head. December 31, 1874, there were employed on it 19 officers of royal engineers; 4 companies of royal engineers containing 121 non-commissioned officers, 243 sappers and 8 buglers, 1,000 civil assistants of different grades, and 448 laborers.

In Prussia the trigonometrical, topographical, and chartographical work is intrusted to the staff corps of the army, while the geodetic work in connection with the "European measurement of degrees" is in charge of the Geodetic Institute, whose head is Lieut. Gen. J. J. Baeyer. In 1875, 43 staff officers were employed on the survey, together with a large number of gunners, civil assistants, and laborers.

In Austria, the survey of the empire is intrusted to the Military Geographical Institute, an organization which has a general at its head and is under the war department. Its members are officers, military officials, civil assistants, non-commissioned officers, and workmen. In 1875, it employed 1,258 persons, of whom 283 were army officers varying in rank from lieutenant to major-general.

In Italy, the surveys, prior to 1873, were carried on by officers of the staff corps under the chief of staff; but then the survey was given a more independent organization under the title of "Military Topographical Institute." Its present director is Major-General de Vecchi.

In Spain, the surveys are controlled by the Geographical Statistical Institute, with Major-General Ibañez at its head, and are largely carried on by officers of the army. In 1871 there were about thirty geodetic and topographical parties employed.

In Switzerland the Surveys are under the direction of Colonel Siegfried, chief of staff of the army.

In Sweden, the geodetic and topographic survey is carried on by the officers of the general staff of the army. Its head is the chief of the topographical division, at present Colonel von Vegesack.

* Report of the Chief of Engineers U. S. Army for 1876, p. 127.

In Russia, the military topographical corps is charged with surveys. Its organization is: 6 generals; 33 majors, lieutenant-colonels, and colonels; 150 cornets, lieutenants, and captains; 170 classed topographers; 236 topographers, of sergeant's rank; 42 apprentices.

The main divisions of the work of a European state survey are usually three, the triangulation, the topography, and the chartography. When it is practicable, the triangulation precedes the topography, and includes the primary, secondary, and tertiary triangulations and their computations.

If the triangulation points thus determined are numerous, as in the Prussian surveys, additional triangulation by the topographer will not be needed; when, as in Austria, comparatively few points are determined, the topographer will have to base on them a smaller triangulation for his detailed work.

The topographers having been furnished with the positions of certain points within the area to be covered by one of their topographical sheets, make a survey of that area, whose amount of detail will depend on the scale or object of the survey. Their work includes the determination of the required level-curves.

The topographers' sheets go to the chartographic division, whence they are either reproduced on the same scale or reduced to a smaller scale, and the maps resulting from them are published.

METHODS.

It is only within the present century that the methods of geodetic and topographic surveying for large areas have reached high precision. Previously the chief spur to the production of accurate maps was their necessity for military purposes. In some states progress beyond this need has scarcely been made as yet, and the maps give no more detail than is needed for the movement of troops; in others, and notably in Great Britain and Germany, the progress in civilization, the needs of the government, and the dense population, have required and have obtained the adoption of systems of topographical survey and publication, which are sufficient for all rational demands.

Aside from the military uses of maps, uses that in Europe must long be among the most important, the increasing intelligence of man in civilized countries demands an accurate knowledge of the earth's surface in his vicinity; a surface that, while slightly modified by his acti n upon it, yet retains the same principal features from age to age, so that one good survey, with slight occasional corrections, will suffice for an indefinite period.

Where the survey is on a large scale it serves another purpose, by giving, with sufficient accuracy for the imposition of taxes, the areas of all estates, and may, indeed, be made a basis for land titles. This, however, requires a larger scale than is necessary for ordinary purposes. In England, such maps, called parish plans, are on a scale of $\frac{1}{2500}$. In many European states, cadastral surveys have been made frequently without connection with a topographical survey, their object being the proper apportionment of land-taxes.

Again, when an accurate survey of a country is made, it will aid in the preliminary examinations for works of engineering, such as railroads, canals, river improvements, although no general survey could properly give the detail necessary for the final location or construction of such works.

In nearly all the European states the area over which the survey extends is covered by a net or chains of triangles of large size, the lengths of whose sides vary from 10 to 100 miles, and depend on bases measured with the highest precision that it is practicable to reach; their probable errors not exceeding about $\frac{1}{100000}$ part of their lengths. In some states all the angles of this net are observed with extreme precision, so that the probable error of any angle shall not exceed a few tenths of a second; in others, as in Italy and Spain, certain chains of triangles, 100 or 200 miles apart, running north and south and east and west, thus forming large quadrilaterals, are observed with the greatest precision, the intermediate triangles receiving less care. At the vertices of several of the triangles accurate determinations of latitude and longitude are made, and the azimuth of a triangle side is determined. The heights of the ground above the level of the sea at all vertices are found either by levelings of precision, or trigonometrically. The positions of these vertices are thus accurately known in latitude, longitude, and elevation; they are the precise reference points on which all the inferior points depend.

Starting from the triangle sides of the primary triangulation, the interior of each such triangle is cut up into a smaller triangulation, called secondary, and the secondary triangles, if necessary, into still smaller ones, called tertiary. The vertices of the tertiary triangulation are the guiding points of the topographer; on them he bases his sheets.

Thus, in Austria two or three such points at least are required for every sheet covering 7½ minutes of latitude and 15 of longitude, on a scale of $\frac{1}{25000}$, with one or two

additional ones on the sheet, but perhaps outside of the border. This gives one point for each 60 square kilometer (24 square miles.)

In the Prussian surveys 10 trigonometrical points are required for each 56 square kilometers (22 square miles), scale of detail sheets $\frac{1}{25000}$.

In Italy the scale used being $\frac{1}{50000}$, one trigonometrical point is determined for every 25 square kilometers (10 square miles).

The heights of these points are also determined and given to the topographer, who bases on them his level or contour curves.

The determination of points on which the topographical survey depends has now been explained. If possible, those determinations should be made in advance of the topographical work. Where that is impossible the topographer must leave permanent marks in prominent positions, which are afterward determined from the triangulation.

On the Continent the topographical work is done mainly with the plane table, the amount of detail introduced depending on the scale adopted. Thus, in Prussia, where the scale of the plane-table sheets is $\frac{1}{25000}$, all necessary detail can be given. Roads, paths, mills, detached houses, important fences, streams, ponds, forests, bridges, mines—all can be shown. When the scale is diminished to $\frac{1}{50000}$, as in Italy, a part of this detail must be omitted, and still more when the scale of publication is diminished, as in Sweden, to $\frac{1}{100000}$.

In all the best modern surveys, even when hachures are used to give pictorial effect, the relief of the earth's surface is shown by level or contour lines, at elevations differing with the precision of the survey.

In the Prussian sheets, scale $\frac{1}{25000}$, the level curves are 20 or 25 feet apart in elevation. The Swiss sheets, scale $\frac{1}{25000}$, give them 10 meters apart. In the Austrian surveys at least eight heights are determined in each square kilometer for the scale $\frac{1}{25000}$, and seventeen for the double scale. The level curves are drawn at either 20 or 100 meters apart.

In the publication of the results of surveys, the scale $\frac{1}{25000}$, adopted by Prussia throughout, and by Switzerland, except for the most mountainous area, appears sufficient for all ordinary purposes. It permits the measurement of distances to within 15 feet. It gives much more detail than the scale of $\frac{1}{63360}$, at first adopted for the British maps; and their map now being published on a scale of 6 inches to the mile, or $\frac{1}{10560}$, while not large enough to give well the boundaries of estates, yet requires six times as many sheets as the scale $\frac{1}{25000}$ would do.

The scale $\frac{1}{25000}$ furnishes also an admirable basis for detailed geological work, enabling the geologist at once to place on maps of sufficient detail the results of his labors, as is being done in Prussia. Indeed, the general topographical and geological maps of that country now in progress present to us a standard of excellence which can only be attained after many years.

The detailed sheets need combination for general use into maps of a smaller scale. General Dufour adopted $\frac{1}{100000}$ for his excellent map of Switzerland, and the same scale is adopted for the general staff map of Prussia, derived from the $\frac{1}{25000}$ sheets.

In reference to the cost of these surveys per square mile, save in the case of Prussia, there is little information. In that country there are about 200 square Prussian miles (4,380 square miles) covered annually by triangulation, costing $78,000 gold. The topography covers the same area per annum, and, with cartography, costs $117,000, gold, per annum. Dividing the total expense, $195,000 gold, by 4,380, we have $44, gold, per square mile as the cost of the survey, exclusive of topography done by contract at the rate of 700 or 800 francs per square stunde, or $16 to $18, gold, per square English mile. The cost of triangulation, revision, and publication would have to be added to this. Half the cost of the new Swiss survey is borne by the Confederation and half by the cantons.

Publication on the scale of the field-sheets only takes place when some society or person agrees to bear half the expense. Austria expends annually about $490,000 for her surveys, but the area covered is not known. It is stated that in the Austrian surveys an officer experienced in topography can, with the aid of two or more soldiers, survey in the six summer months, on a $\frac{1}{25000}$ scale, from 350 to 500 square kilometers (140 to 190 square miles), drawing the same in colors during the winter.

Schiavoni, in Principii di Geodesia, states that a topographer in six months can complete 81 square kilometers, the scale being $\frac{1}{50000}$. The wide difference in these estimates is doubtless due in part to difference in precision of the work, although the scales are nearly the same.

A writer in the North American Review of July, 1875, estimates the total cost of the ordnance survey of Great Britain up to that date at about $20,000,000, in gold, and the area at 111,000 square miles. This would give a cost of $190 per square mile, the work not yet being complete. It should be remembered that it includes many publications on scales larger than $\frac{1}{25000}$.

Taking the Prussian survey as a model, and recollecting that the cost, $44 per square mile, previously stated, does not include the pay of officers, nor (probably)

the cost of the Geodetic Institute, which has charge of the primary triangulation and astronomical work, these two omissions, perhaps, increasing the cost of the work to $60 or $65, it is very doubtful if similar work in this country, on account of the greater cost of labor, both skilled and unskilled, could be done for less than $100 gold per square mile.

If a lower standard of accuracy were adopted, such as determination of but one triangulation-point in 25 or 50 square miles, level curves 100 feet apart, field-sheets on a scale of $\frac{1}{20000}$, and published maps on a scale of $\frac{1}{100000}$, the cost might perhaps be reduced to $50, gold, per square mile. For level, thickly settled areas, with numerous telegraph lines, the cost of the first and less precise maps might be further reduced by substituting astronomical for trigonometrical determinations of the guiding points. But when at last good topographical work was to be done, trigonometrical points would still be necessary.

To supply the information necessary for the location of an intercontinental line by any of these methods would take a great length of time. It must be done more quickly and for the definite purpose of railway location.

In several of the South American countries the government engineers, or engineers employed especially for the purpose, have surveyed lines between all the important points in the State, which are to be used if railways are ever built.

Even this method does not supply sufficient information, for there must be unity of action between the engineers of the several States, or else engineering parties must be sent out for the especial purpose of making the surveys for international and intercontinental lines.

It could not be considered extraordinary for any one country to undertake this survey, although an agreement between the interested nations with a sharing of the expenses would no doubt be a better plan.

The United States has always encouraged expeditions and explorations, whose object was either to increase scientific knowledge or to promote its trade with other countries. It has fitted out many to make surveys and explorations in other countries and for other scientific purposes. The following are a few of the more noteworthy instances:

In 1834 Charles Biddle was sent to Central America as a special agent to investigate plans, estimates, etc., for an interoceanic canal.

Act of Congress May 14, 1836, authorized the President to send out a surveying and exploring expedition to the Pacific Ocean and the South Seas, and appropriated $150,000 for expenses. This expedition was commanded by Commodore Wilkes.

President Pierce, in 1853, authorized the Secretary of the Navy to send Lieut. Isaac Strain to make surveys of a canal route by way of Nicaragua. Expenses were paid by the Navy Department.

In 1853 Lieutenants Gibbon and Herndon, U. S. Navy, made exploration of the Amazon River to its sources.

In 1853–'54–'55–'56 Commander Thomas G. Page, U. S. Navy, made explorations of the La Plata River.

Act of Congress March 3, 1857, appropriated $25,000 and authorized the Secretaries of War and Navy to employ such officers of the Army and Navy as might be necessary to make explorations for a ship-canal by way of the Atrato and Turando Rivers. The survey was made by Lieut. N. Michler, of the Army, and Lieut. T. A. Craven, of the Navy.

In 1860 Congress appointed a committee of Army and Navy officers to examine the Chiriqui route for a canal.

Act of Congress April 17, 1866, directed a survey, under the Secretary of the Navy, of Behring Straits and the China Seas, for the benefit of American shipping.

Act of Congress July 28, 1866, appropriated $40,000 for a survey of the Isthmus of Darien, under the War Department.

Act of Congress July 12, 1870, directed the President to send an expedition toward the North Pole for scientific objects, under instructions from the National Academy of Sciences, and appropriated $50,000 for the expenses.

Act of Congress July 15, 1870, appropriated $30,000 for an examination and survey,

under the direction of the president of the Tehauntepec and Nicaragua routes, to ascertain the practicability of canals.

Act of Congress, May 18, 1872, appropriated $20,000 for the completion of the surveys of the Tehauntepec and Nicaragua routes, and $5,000 to complete the survey of the Darien route. Under the acts of 1870 and 1872 a number of surveys were made by the Navy Department.

A commission composed of General Humphreys, Mr. C. P. Patterson, of the Coast Survey, and Commodore Ammen, of the Navy, was appointed March 13, 1872, to report upon the results of these surveys.

Acts of Congress, March 13, 1849, March 3, 1853, May 31, 1854, August 4, 1854, appropriated in all $444,200 for surveys by army engineers for the Pacific railroads in the United States.

Acts of Congress appropriated money for Arctic explorations made under De Haven, De Long, Franklin, and Greely.

An Antarctic expedition was sent out either by the Navy Department or under a special appropriation.

RAILWAY GAUGES.

The selection of a gauge for the Intercontinental line is not so unimportant a matter as it would seem.

In the United States there is but one great narrow-gauge system, the Denver and Rio Grande Railway, and it is rumored that this may be converted to standard gauge. A large loan has recently been obtained by the Mexican National Railway for the purpose of changing it to standard gauge. In Mexico the greater portion of the mileage is 4 feet 8½ inches; in Central America it is 3 feet, or slightly greater; in South America most of the Argentine railways have a gauge of 5 feet 6 inches; those of Brazil 1 meter, or 3 feet 3⅜ inches; in Chili it varies from 2 feet 6 inches to 5 feet 6 inches; in Colombia most of the roads are 3 feet; and in Peru 4 feet 8½ inches.

From a comprehensive review of the history and development of the railway gauges of the world the following particulars in regard to the gauges of the world are extracted. It was agreed in England about 1848 that a uniform gauge 4 feet 8½ inches should be used on all roads, except those already served by 7-foot gauge. The first German road, from Nuremberg to Furth, was built with 4 feet 8½ inches gauge, which is now used by all the principal roads of Germany, although there is a very considerable mileage of narrower gauges, mainly 1 meter, or 3 feet 3⅜ inches. France started her roads with a width between rail centers of 4 feet 11 inches, which has led to some slight variations of gauges according to rail width. The later roads have been built with a gauge of 4 feet 8½ inches. Holland began with a 6 foot 4 inch gauge, but has now altered all its roads to 4 feet 8½ inches. The railroad congress at Berne, in May, 1886, adopted the following resolution, which is to apply to Germany, Austria-Hungary, France, Italy, and Switzerland: "The gauge of railroads measured between the inner edges of the rail heads shall, for roads built or altered as to gauge after this resolution takes effect, not be less than 4 feet 8½ inches on straight lines, nor more than 4 feet 9½ inches on curves."

In Russia the first road opened, in 1832, from St. Petersburg to Zarskoe-Selo, about 16 miles, had a 6-foot gauge. When the second road was made, in 1842, from St. Petersburg to Moscow, the Czar, at the instance of our countryman, Major Whistler, fixed the Russian gauge at 5 feet, which increase over the English gauge was thought desirable for locomotive purposes. Major Whistler thought as wide a gauge uncalled for. The 5-foot gauge has continued the standard in Russia; but that it is not made different from the German gauge for military reasons seems to be proved by the fact, instanced by Herr Claus, that the lines built under imperial direction from Warsaw to Vienna and from Warsaw to Bromberg—the Berlin line—were carried out with the German gauge.

Ireland has a standard gauge of 5 feet 3 inches; Spain and Portugal, 5 feet 6½ inches. Sweden and Norway have the 4-foot 8½-inch gauge over the majority of their railroads; but 20 per cent. of the Swedish roads have gauges varying from 2 feet 7½ inches up to 4 feet. Norway has 592 kilos of standard gauge, and 970 kilos of 3 feet 6 inch gauge.

In Asia, of the British-Indian roads, with a collective length of 12,366 miles, about 7,450 miles have a gauge of 5 feet 5½ inches, the remainder being divided among 6 gauges from 2 to 4 feet. Of the narrow gauges, the most prevalent, embracing 4,200 miles, is the meter, 3 feet 3⅜ inches. The Ceylon railways have the standard Indian gauge. The Russian Trans-Caspian lines have the Russian standard gauge of 5 feet. In Asia Minor, the line Mudania Brussa has a gauge of 3 feet 7½ inches. The island of Java has 449 miles of 3 foot 6 inch gauge, and 126 miles with 4-foot 8½-inch.

In Japan, with the exception of an 8-mile piece, begun in 1885, with a gauge of 2 feet 9 inches, all the roads have a 3-foot 6-inch gauge.

In Africa, the Egyptian railroads, amounting to 932 miles, are of the 4 feet 8½ inch gauge. Algiers and Tunis, with 1,203 miles in 1884, had the 4 foot 8½-inch standard

on all except 155 miles, which had a 3-foot 7½-inch gauge. The English Cape Colony had in 1885 1,522 miles, all of 3-foot 6-inch gauge.

In America, apart from the comparatively small mileage of the United States roads with 3-foot gauge, practically the whole of the United States and Canadian railways are of 4 feet 8½ inches to 4 feet 9 inches. In Mexico, in 1884, 2,083 miles were 4 feet 8½ inches, and 944 3-feet gauge. In Brazil, at the end of 1884, there were 869 miles of 5 feet 3 inches gauge, and 4,164 miles of various gauges between 2 feet and 4 feet 7 inches over 3,700 miles, being 1 meter, or 3 feet 3⅜ inches. So that this may be considered the standard gauge of Brazil.

In Australia the different colonies, rather singularly, have different gauges, that of New South Wales being 4 feet 8½ inches; Victoria, 5 feet 3 inches; South Australia, 5 feet 3 inches and 3 feet 6 inches, and the other colonies 3 feet 6 inches.

The total mileage in operation in the world at the end of 1885 was 303,948 miles. Of this length 74 per cent. were of the 4 feet 8½ inches to 4 feet 9 inches; 12 per cent. had larger gauges, and 14 per cent. smaller. (Engineering News, December 8, 1888.)

METAL RAILWAY TIES.

A point of great importance is the material of the ties, which should possess hardness, stiffness, and durability. In Central and South America the climate causes wood to deteriorate very rapidly, and again in certain parts of these countries it will probably be difficult to get suitable wood. One writer states that in Guatemala ants ate the wooden ties very rapidly. The usefulness of metal ties is appreciated already by the railway builders in Mexico and South America, as the following article from the Engineering News will show:

METAL RAILWAY TIES.

The following is the substance of a preliminary report made to the Department of Agriculture in February, 1889, by Mr. E. E. Russell Tratman, giving the present extent of use of iron ties throughout the world. It gives in concise form very complete information on this subject.

* * * * * * *

SOUTH AMERICA.

Argentine Republic.—In this State, cast-iron pot ties are used almost exclusively, except in the far west and north. The Buenos Ayres Great Southern Railway, which began operations in 1865, has 13¾ miles of double track and 819¼ miles of single track laid with cast-iron ties of an improved design. They are adopted on account of the difficulty of procuring good hard-wood ties in sufficient quantity and the greater expense of these wooden ties, also because they give a more rigid and satisfactory track. The Central Argentine Railway has 246 miles laid with cast-iron track. The Santa Fé and Cordoba Railway ordered 20,000 steel ties in England in 1888.

Chili.—Steel ties have been tried to a small extent, but the type was considered too heavy and expensive. Previous to the award in November last, to an American syndicate, of the contract for building about 780 miles of railway for the State, proposals had been invited by the Chilian legation in France for the supply of 739,400 metal ties 9 feet long and 725,100 ties 4½ feet long.

United States of Colombia.—There has been some talk of adopting metal ties on the Bolivar Railway.

MEXICO.

The Mexican Railway (Vera Cruz line) is using a large number of steel ties of the type in general use in India, and has obtained very good results with them, especially at times when the road has been flooded. These ties were first used in 1884, and at the end of June, 1888, there were 46¼ miles of track laid with steel ties. The Mexican Central Railway has been contemplating the adoption of the same type of tie on the mountain division of the road, the advantages being that they last longer than wooden ties and keep the track in perfect gauge.

As a fact of interest I have extracted from a table in Engineering News the following:

On the Pennsylvania Railroad, in 1887, the average tons in loads of freight trains was 207; the average charge for transporting 1 ton 1 mile was .67 of a cent; the percentage of operating expenses to earnings was 63; the percentage of traffic expenses (coaching and merchandise) to total operating expenses was 35; the average cost of transporting 1 ton 1 mile was .426 of a cent; the average cost of transporting 1 ton 1 mile, deducting all "traffic expenses" (coaching and merchandise) on all roads, .277 of a cent; average cost of train mile, freight and passenger, was 85.37 cents.

Table showing the Railways of Mexico, Central and South America, with their length, gauges, etc.

ARGENTINE REPUBLIC.

Name of railway.	From—	To—	Length.	Projected to—	Length.	Gauge.
			Miles.		*Miles.*	
Andine Railway	Villa Maria	San Juan	480			5 feet 6 inches.
Buenos Ayres and Valparaiso Transandine Railway Company.	Mendoza			Chilian boundary	121	Do.
Argentine Northeastern	Monte Caseros		89	Corrientes	140	
	do			Posados	283.7	
Bahia Blanca and Northwestern	Bahia Blanca			Villa Mercedes	738	
Buenos Ayres and Ensenada Port	Buenos Ayres	Ensenada	35			
Buenos Ayres Northern	do	San Fernando	20			
Buenos Ayres Great Southern	do	Bahia Blanca	445.25			Do.
Branches, second track, etc			393.75			
Under construction					511	
Buenos Ayres and Pacific	Mercedes	Villa Mercedes	371.4			Do.
	do	Buenos Ayres	54.6			
Buenos Ayres and Rosario	Buenos Ayres	Sunchales	341	Tucuman	385	Do.
Branches					110	
Central Argentine	Rosario	Cordoba	246.6			Do.
Branches under construction					167.5	
Cordoba and Northwestern	Cordoba			Cruz del Eje	100	
Cordoba Central	do			Western and Central Colonies Railway.	132	
East Argentine	Concordia	Monte Caseros	96			4 feet 8½ inches.
	Monte Caseros	Ceibo Creek	3			
Entre Rios Central	Parana	Uruguay	186			
First Entre-Riano	Gualeguachu	Puerto Echague	6.2			Do.
Mendoza and San Rafael	Mendoza			San Rafael	180	
National Central Northern	Cordoba	Tucuman	333.5	Bolivian frontier	400	1 meter.
Branches	Frias	S. del Estero	160.4			
	Recreo	Chumbricha	109.1			
Northern Colonies Railway of Santa Fé	Santa Fé	Lehman	62	(Extension)	100.75	
Branches	San Carlos	Santa Fé				
	Santa Fé	Colastine				
Northwest Argentine	La Madrid	Santa Ana	30	Tucumen		
San Cristobal and Tucuman			10			
Santa Fé and Cordoba Great Southern	Villa Constitucion			Venado Tuerto	103	
	do			La Carlota	84	
Villa Maria and Rufino	Villa Maria			Rufino	140.5	
Western and Central Colonies of Santa Fé						
Lines in progress					337.9	

Western Railway of Buenos Ayres	Buenos Ayres	9 de Julio	162.4			5 feet 5 inches.
	Lujan	Junin	155.6			
Several branches			256.7			
Projected					102.96	
Western Railway of Santa Fé	Rosario	Candelaria	40	San José de la Esquina	70	
	Candelaria			Melinene	80	
Total			4,632.5			

BOLIVIA.

Antofagasta and Bolivian Railway Company	Ascotan	Uyuni	106.2	Oruro	198.5	Narrow.
	Uyuni			Potosi		
Arica and Tacua	Tacua (Chili)			La Paz		
Arequipo and Puno (Peru)	Desaguadero			do	98	
	La Paz			Oruro	155	
	Oruro			Cochabamba	124	
Central Northern (Argentine)	Frontier			Uyuni	300	
	Rio Paraguay			Santa Cruz	465	
	Santa Cruz			Sucre	465	
	Parana			Tarija	186	
	Santa Cruz			Rio Grande	98	
	Cochabamba			Rio Chimore	155	
	La Paz			Rio Beni	310	
Total			106.2			

BRAZIL.

Alagoas	Maceio	Imperatrix	5.5			1 meter.
Branch	Mainline			Assemblea	40	
Bahia and Minas	Carvellas	Aymores	88	Philadelphia	155.6	Do.
Bahia and San Francisco	Bahia	Alagoinhas	76.2			5 feet, 3 inches.
Timbo branch	Alagoinhas	Timbo	51.5			Do.
Bahia and San Francisco extension	do	Villa Novada Rainha.	199.6	Joazeiro	81.2	1 meter.
Brazilian Great Southern	Cuareim River	Itague	110			
Central Bahia	Sao Felix	Queimadinhas	170.4		1.9	3 feet, 6 inches.
Branch	Cachoeira	Ferra de S. Anna	15			Do.
Campos and Carangola	Campos	Porto Alegre	81	Santo dos Tombos	72.1	1 meter.
Patrocinio branch			24.2			
Itabopoano branch			13			
Companhia Bragantina	Campo Lempa	Braganza	32.2			Do.
Companhia Estrado de Ferro Macahe é Campos	Campos	Imbetiba	59.5			
Conde d'En	Parahyba	Independencia	60	Cabedello	11.2	Do.
Branch	Cobé Junction	Pilar	15	Inga		Do.
Do.	Malungu			Alogoa Grande		Do.

Table showing the Railways of Mexico, Central and South America, with their length, gauges, etc.—Continued.

BRAZIL—Continued.

Name of railway.	From—	To—	Length.	Projected to—	Length.	Gauge.
			Miles.		*Miles.*	
Corcovada	Larangeiras	Mount Corcovada	2.5			
Dom Pedro Segundo	Rio de Janeiro	Surrounding Provinces.	440.0			5 feet 3 inches.
Extensions under construction					94.2	
Donna Theresa Christina	Laguna	Imbetuba	71.9			1 meter
Estrada de Ferro Baturite	Fortaleza	Canao				Do
Including branches			68.6			Do
Estrada de Ferro de Cantagalle	Nictheroy	Rio Macuco				1. 1meter.
		Passageme				Do.
Total with branches			165			
Great Western of Brazil	Recife	Limoeiro	60			3 feet 3⅜ inches.
Branch	Nazareth	Timbauba			28.5	Do.
Imperial Brazilian Natal and Nova Crus Railway Company	Natal	Nova Cruz	75			Do.
Ituana	Jundiahy	Piracicaba	122.4	San Manoel	62.9	1 meter.
Branch		Itu	14			
Leopoldina	Porto Nova de Cunha	Northwest				Do.
Total with branches			184.1			Do.
Extensions and branches projected					40.3	Do.
Madera and Mamoré				Around Falls	204.6	
Minas Central of Brazil	Pitangui			Dom Pedro II railroad	150	
Minas and Rio	Cruzeiro	Tres Coracoes	105.4			Do.
Mogyanna	Campinas	Casa Branca	173			Do.
Branches			168.6			
Under construction					116.5	
Para and Bragança	Belem	Apehu	36.6	Braganca	93	Narrow.
Paranagua and Curatiba	Paranagua	Morretes	68.8			1 meter.
Paulista	Jundiahy	Belem do Descalvados.	125			5 feet 3 inches.
Branch	Condeiras	Pinhal	26			Do.
Paula Affonso	Piranhas	Jatoba	71.9			1 meter.
Porto Alegre and New Hamburgo	Porto Alegre	New Hamburgo	26.7			Do.
Recife and Caruaru	Recife		47.1	Caruaru	21.7	Do.
Recife and Sao Francisco Pernambuco	do	Palmares	77.5			5 feet 3 inches.
Recife and Sao Francisco Pernambuco	Una	Garanhuns	90.5		310	1 meter.
Rio de Janeiro and Northern	Manua	Petropolis	57	Entre Rios		
Rio de Ouro	Quinta do Caja	Rio de Ouro	30			Do.
Branches			10.4			Do.
San Paulo Brazilian	Santos	Jundiahy	86.2			5 feet 3 inches.
San Paulo and Rio Janeiro	San Paulo	Cachoeira	143.8			1 meter.
Santo Amoro	Santo Amoro	Jacu	22.3			Do.

Santo Antonio de Padua	Lucca	Miracema	57.6			2 feet 11½ inches.
San Carlos de Pinhal			163.7			
Sobral	Camocim	Sobral	80.0	Ipu	61.2	
Sorocabana	San Paulo	Tiete	137.6		95.5	1 meter.
Estrada de Ferro do Rio Grande á Bagé	Rio Grande	Bagè	173.6	Cacequi	130.2	1 meter.
Taquary and Uruguayana	Taquary	Santa Maria	162.4	Uruguayana	236.2	Do.
Onaio Valenciano	Desengano	Rio Preto	39.0			1.1 meter.
Itapemerim Alegre			43.4		129.0	
Sta Izabal do Rio Preto			45.9			
San Fedelis (under construction)					47.1	
Oeste de Minas			125.2		96.6	1 meter.
Juis de Fora and Pion			32.2		5.5	
Banalense			7.4		10.5	Do.
Campos and St. Sebastian			11.1			.95 meter.
Rio das Floras			22.3			1 meter.
Barão Araruama			24.8			3 feet 1½ inches.
Resende and Areias			17.4		40.3	1 meter.
Rio Pardo (Minas Geraes)			22.3			
Victoria Natividade					125.2	
Araraquara Rio Grande					329.2	
Other lines			174.6		288.7	
Total			4,961.4			

CHILI.

Lines owned by the State	Santiago	Valparaiso	115.9			1.67 meters.
	do	Curico	114.7			
	Curico	Chillan	130.8			
	Chillan	Talcahuano	116.2			
	Andes Branch		27.9			
	Palmilla Branch		24.2			
	San Rosendo	Angol	45.3			
	Angol	Traiguen	44.6			
	Santa Fé	Los Angeles	13.6			
	Renaica	Fort Victoria	46.5			
	Robleria	Collipulli	26.0			
	Chanaral	Salado	37.2			
Lines owned by individuals or companies:						
Anglo Chilian Nitrate and Railway Company	Tocapilla			Nitrate Grounds	60.0	
Antofagasta and Bolivia Railway Company	Antofagasta	Ascotan	272.8			
Arica and Tacna	Arica	Tacna	39.0			
Antofagasta Nitrate and Railway Company	Antofagasta			Chonchi	135.6	2 feet 6 inches.
Antofagasta and Aguas Blancas	do			Aguas Blancas		1 meter.
Carrizal and Cerro Blanco	Carrizal	Yuerba Buena				4 feet 2 inches.
Total with branches			50.2			
Copiapo	Caldera	San Antonio	93.6			4 feet 8½ inches.
	Pabellon	Charnacillo	24.8			
	Paipote	Puquios	31.6			

Table showing the Railways of Mexico, Central and South America, with their length, gauges, etc.—Continued.

CHILI—Continued.

Name of railway.	From—	To—	Length.	Projected to—	Length.	Gauge.
			Miles.		*Miles.*	
Coquimbo	Coquimbo	La Serena	9.3			
	do	Ovalle and branch	76.3			5 feet 6 inches.
Elqui	Serena	Elqui	48.4			1 meter.
Laraquete and Moquegua	Laraquete	Moquegua	24.8			
Mejillones and Cerro Gordo	Mejillones	Cerro Gordo	18.0			
Patillos	Patillos	Salibreras	57.7	Lagunas	10.5	2 feet 6 inches.
Pisagua	Pisagua	Tres Marias	54.8			Do.
Branches and sidings			10.9			
Iquique	Iquique	Tres Marias	67.7			Do.
Branches, etc			52.6			
Taltal	Taltal	El Refresco	47.8	Arturo Prot		
Sidings			8.0			
Tongoy	Tongoy	Tamaya	34.1	Ovalle	20.5	3 feet 6 inches.
North and South American Construction Company.	Huasco			Vallenar	31.0	1 meter.
	Ovalle			San Marcos	37.2	Do.
	Vilas			Salamanca	79.4	Do.
	Santiago			Melipilla	36.6	Do.
	Palmilla			Alcones	27.9	Do.
	Talca			Constitusion	52.7	Do.
	Pelequen			Peumo	21.7	Do.
	Colhue			Mulchen	26.7	Do.
	Victoria			Osorno	249.9	Do.
	La Calera			Cabildo	47.1	Do.
Total of all			1,759.9		610.2	

COLOMBIA.

Panama Railway	Colon	Panama	47			5 feet.
Bolivar	Baranquilla	Pto Belillo	20			3 feet 6 inches.
Cucuta	Cucuta	Vilbimazar	34			3 feet 3¼ inches.
La Dorado	Hondo	Yeguas	18	Conejo	12	3 feet.
Girardot	Girardot	Tocaima	20	Bogota	76	Do.
Antioquia	Puerto Berrio	Pavia	30	Medellin	95	Do.
Cauca	Buenaventura		12	Cali	65	Do.
Santa Marta	Santa Marta	Cienega	20	Banco		
Santander	Puerto Wilchio		1	Bucuramanga	75	
Savanna	Facatativa	Bogota	24			
Total			226			

COSTA RICA.

Atlantic Railway	Punta Limon	Carrillo	70.			
	Punta Arenas	Esparta	14.	Alajuela (or San José)	50.	
Central Railway	Alajuela	Cartago	26.5	A junction with first section	74.5	
	Jimenez			San Juan River	90.	
	Esparta			Nicaragua boundary		
Total			110.5			

ECUADOR.

Yuaguachi	Yuaguachi	Chimbo	40.	Sibambe	40.	
(Southern Railway)	Duran			Yuaguachi	14.	
	Sibambe			Quito		
Ibarra and San Lorenzo	Ibarra			San Lorenzo		
Bahia de Carequiz and Quito ("La Compañia del Perrocarril de Quito y el Pacifico.")	Bahia			Quito		
Machala and Cuenca	Machala			Cuenca		
Baba and Vinces	Baba			Vinces		
	....do			Pueblovieio		
Total			40.			

GUATEMALA.

Champerico and Northern Railroad	Champerico	Retalhuleu	27.25	San Felipe	43.25	3 feet.
Ferro Carril del Norte de Guatemala	Santo Tomas		4.	Guatemala City	185.	
Guatemala Central Railroad	San José	Guatemala City	71.8			1 meter.
Branch				La Antigua		
	Guatemala City			Mexican boundary		
Total			103.05			

HONDURAS.

Honduras Central Railroad	Truxillo			Jutecalpa and the Bay of Fonseca.	200.	
Honduras North Coast Railway and Improvement Company.	....do			Puerto Cortes and Guatemala boundary.	150.	3 feet.
Honduras Railway (operated only to St. Iago, 37 miles).	Puerto Cortes	San Pedro Sula	69.	Bay of Fonseca	200.	
Truxillo and Roman River Railroad	Truxillo			Roman River and up Arenal Valley.	20.	
Total			69.			

Table showing the Railways of Mexico, Central and South America, with their length, gauges, etc.—Continued.

MEXICO.

Name of railway.	From—	To—	Length.	Projected to—	Length.	Gauge.
			Miles.		*Miles.*	
Sonora	Nogales	Guaymas	262.41			4 feet 8½ inches.
Mexican Central	El Paso	City of Mexico	1,224.0			Do.
Branches, etc			444.0			Do.
Mexican National	Laredo	City of Mexico	838.6			3 feet.
Branches, etc			393.6			Do.
Mexican International	Piedras Negras	Torreon	383.4			4 feet 8½ inches.
Branches, etc			12.3			Do.
Mexican Southern	Laredo			Guatemala frontier		
Built	City of Mexico	Puebla				
Mexican Railway	Vera Cruz	City of Mexico	264.0			
Jalapa Branch	do	Jalapa	70.75			
Branch	Apizaco	Puebla	29.			
Interoceanic	Vera Cruz			Acapulco	580.	3 feet.
Total built and owned by this company			339.9			Do.
Part of main line	Mexico City	Perote	160.			
Sinaloa and Durango	Altata	Culiacan	38.5			4 feet 8½ inches.
	Mazatlan			Guaymas		
Texas, Topolobampo and Pacific	Eagle Pass			Topolobampo		
Branches				Presidio del Norte		
Total length, about 1,500 miles				Alamos		
				Mazatlan		
Tehuantepec	Minatitlan		78.6	Salina Cruz	91.4	
Cardenas	Villa de Cardenas		4.0	El Ingenio		
Ferro-carril de Hidalgo	Irolo	Pachuca	37.			3 feet.
Branches			26.			
Ferro-carril de Monterey y Golfo	Monterey		78.2	Tampico	321.8	
Ferro-carril Nacional de Tehuacan á Esperanza	Tehuacan	Esperanza	31.0		49.6	4 feet 8½ inches.
Michoacan & Pacific	Maravatio	Angangeo	27.9	Ignala		
Nautla & San Marcos	Nautla		4.0	San Marcos	111.0	
Puebla and Isucar de Matamoros	Puebla	Isucar	37.0			Narrow.
Vera Cruz, Anton Lizardo and Alvarado	Vera Cruz	Alvarado	34.0	Isthmus of Tehuantepec	84.	
Yucatan Railways:						
Ferro-carril de Merida á Progreso	Merida	Progreso	24.0			4 feet 9 inches.
Soluta branch	do	Soluta	30.0			
Ferro-carril de Merida á Peto	do	Tiscal	43.4	Peto	56.6	3 feet.
Ferro-carril de Merida á Calkini	do	Chochola	21.0	Calkini	81.0	Do.
Ferro-carril de Campeche á Calkini	Campeche			do	52.	Do.
Branches	do	Pomuch	39.0			Do.
Do	do	Lerma	6.			Do.
Ferro-carril de Merida á Valladolid	Merida	Motul	22.	Valladolid	84.	Do.
Branch	Conkal	Progreso	19.			Do.

De	Cenotillo			Tisimin	34.7	De.
Concessions	Cancel			Progreso		
	Izamal			Chan Santa Cruz		
	Tekanto			Izamal		
Total			5.621.66			

NICARAUGUA.

Nicaragua Railway	Corinto	Momotombo	58			3 feet 6 inches.
	Managua	Granada	32			Do.
San Juan San Jorge	San Juan			San Jorge		
Chinandega	Chinandega			El Viejo	19	
Matagalpa and Lake Managua	Matagalpa			Lake Managua		
Matagalpa and East Coast	Matagalpa			Mouth of Ramos River	90	
Total			90			

PARAGUAY.

Ferro-carril Nacional	Asuncion	Villa Rica	92.0	Encarnacion	136	5 feet 6 inches.
Transcontinental Railway	do			Santos in Brasil	806	
Total			92.0			

PERU.

Payta and Piura	Paita	Piura	63.0	Limon		4 feet 8½ inches.
Pimentel	Pimentel	Chiclayo	30.0		15.0	Narrow.
Eten and Ferrañafe	Eten	Ferrañafe	50.0			4 feet 8½ inches.
Pacasmayo and Magdalena	Pacasmayo	Yonan	93.0	Cajamarca		Do.
Salaverry and Trujillo	Salaverry	Trujillo	85.0	Coal mines		3 feet.
Chimbote and Requay	Chimbote	Requay	60.0		112.0	Do.
Lima, Ancon and Chancay	Lima	Chancay	43.0	Huacho	25.0	1 meter.
Lima and Magdalena	do	Magdalena	5.0			Do.
Callao, Lima and Oroya	Callao	Chicla	86.5	Oraya	49.3	4 feet 8½ inches.
Projected	Ororoya			Cerro de Pasco	36.0	Do.
Cerro de Pasco	Mines	Mill	9.0		22.0	
Lima Railways Company	Callao	Chorillos	17.5			Do
Pisco and Ica	Pisco	Ica	46.0			Do
Branch			1.0			Do.
Mollendo and Arequipa	Mollendo	Arequipa	107.0			Do.

Table showing the Railways of Mexico, Central and South America, with their length, gauges, etc.—Continued.

PERU—Continued.

Name of railway.	From—	To—	Length.	Projected to—	Length.	Gauge.
			Miles.		*Miles.*	
Arequipa, Puno and Cusco	Arequipa	Puno	217.6			4 feet 8½ inches.
	Juliaca	Santa Rosa	82.0	Cusco		
Siding, etc			41.5			
Proposed by Government	Puno			Desaguadero		Narrow.
	Oroya Railway			Point on Amazon	180.0	Do.
	Chancay			Cerro de Pasco		
	Tacna			Puno		
	Trujillo			Cajamarca		
	..do			Eten		
Total			1,037.1			

SALVADOR.

Acajutla and Sonsonate Railroad	Acajutla	Sonsonate	21½	Amate Marin	30½	3 feet.
San Salvador and Amate Marin	San Salvador			..do	25	
La Union and San Miguel	La Union			San Miguel		
La Libertad and San Salvador	La Libertad			San Salvador		
Salvadore Central Railway	La Union			Guatemala		
Tramway	San Salvador	Sta Tecla	10½	Boundary line		
Total			32			

URUGUAY.

Central Uruguay	Montevideo	Rio Negro	170	Durasno		4 feet, 8½ inches.
Branch	Santa Lucia	San José	20	Hygueritas	126	
Central Uruguay, Northern Extension				Brazilian frontier	179	
Northeastern	Montevideo	Minas	74	Artigas		Do.
Northwestern	Salto	Brazilian frontier	111			
Branch	Isla de Cabello			San Eugenio	70	
Midland Uruguay	Paso de los Toros			Salto	174	
Northern Railway and Tramway	Montevideo	Santa Lucia	25			
Total			400			

VENEZUELA.

Caracas and La Guayra	Caracas	La Guayra	23			3 feet.
Marquetia and Macuto	Marquetia	Macuto	4.9			
Caracas and El Valle	Caracas	El Valle	3.1			
Puerto Cabello and Valencia	Puerto Cabello	Valencia	33.5			3 feet, 6 inches.
Tucacas	Tucacas	Mines of Aroa	55.8			2 feet.
La Ceiba and Mendoza	La Ceiba	Mendoza	21.7	Valera		
Barcelona	Barcelona	Guanta Bay	11.8			
Carenero	Carenero	San José	20.5			
Central Railroad	Caracas		12.4	Valencia	132.4	
Grand Trunk Line of Venezuela	do		9.3	San Carlos	176.7	
La Lus and Barquisimeto	La Luz			Barquisimeto, etc.	217.0	
	La Fria			San Cristobal		
	Merida			Lake Coast	161.2	
	Maracaibo			Cajoro	96.1	
	Orinoco			Yuruari	124.0	
Total			196			

BRITISH GUIANA.

Demerara Railway	Georgetown	Mahaica	20			
Total			20			

CERTAIN HEIGHTS DETERMINED BY THE FRENCH EXPEDITION.

Locality.	Height.	Locality.	Height.
	Feet.		*Feet.*
Tactic	4,725	Copan	1,830
Coban	4,356	Vado Hondo	1,237
San Cristobal	4,643	Chiquimula	1,244
San Miguel Uspantan	6,040	Zacapa	449
Cunen	5,942	Pacaya	8,366
Sacapulas	3,826	Volcan de Agua	12,313
Santa Cruz del Guiche	6,621	Volcan de Agua (Santa Maria)	6,828
Quezaltenango	7,697	Volcan de Agua (Crater bottom)	12,087
Totonicapan	8,150	Volcan de Fuego	13,127
Sololá	7,041	Volcan de Fuego (la Meseta)	12,001
Guatemala City	5,013	Acatenango	13,616
Antigua	5,072	Volcan de Atitlan	11,722
Ciudad Vieja	5,151	Cerro de Atitlan	11,723
Escuintla	1,450	Cerro Quemado	10,201
Amatitlan	3,901	Santa Maria	11,453
Palin	3,753	Lago de Atitlan	5,112
Cuajiniquilapa	2,848	Lago de Amatitlan	3,918
Cerro Redondo	3,542	Lago de San Cristobal	4,643
Los Esclavos	2,394	Lago de Ayarza	3,100
Agua Blanca	2 658	Jalpatagua	1,904
Suchitan	4,108	Rio Paz	908
Santa Catarina (Rio)	2,251	Apaneca	4,864
Retalhuleu	775	Ahuachapan	907
Salama	2,874	Sonsonate	650
Col de Pinula	6,300	Santa Tecla	2,980
Tray Janes	5,537	San Salvador	2,201
Lac de los Pinos	3,274	Cojutepeque	2,940
Santa Caterina (Pueblo)	2,325	San Vicente	1,175
Esquipulas	2,986	Rio Lempa (Barca)	10
Paso del Rodeo	2,744	Chinameca	2,000
Los Horcones	3,637	San Miguel	363
Piedra de Amolas	2,340	La Union	66

HEIGHTS IN NICARAGUA.

Lake Nicaragua	110	Lake Managua	148

HEIGHTS IN COSTA RICA.

San Jose	3,868	Atenas	2,330
Cartago	4,930	San Mateo	1,050
Heredia	3,786	Esparta	718
Alajuela	3,001		

HEIGHTS IN SOUTH AMERICA.

Medellin	5,065	San Rafael	8,764
Antioquia	1,888	Huanuco	6,300
Cartago	3,197	Juliaca	13,025
Buga	3,281	Puno	12,962
Canca at Buga	2,957	La Paz	12,226
Popayan	5,810	Potosi	13,330
Purace	8,732	Quaranda	5,840
Tuquerres	9,968	Arenal	14,250
Bogota	8,725	Ambato	8,490
Piedras	775	Tacunga	9,181
Tocaima	1,806	Tinpullo	11,662
Ibagué	4,475	Panecilla	10,101
Palmilla	6,864	Riobamba	9,200
Gallegos	8,775	Tablon	10,516
Balsa	4,620	Papallacta	10,511
Honda	719	Baeza	6,625
Paramo of Quindio	11,496	Archidona	2,115
Neyva	2,511	Napo	1,450
La Plata	4,237	Mouth of Napo	385
Cali	3,537	Coca	850
Canca at Cali	3,278	Mouth Aguarico	586
Las Papas	14,272	Moyobamba	1,043
Point near Pasto	6,488	Chachapoyas	7,682
Ibarra	7,500	Tinga Maria	2,200
Quito	9,520	Negro and Cassiquiari	400
Cuenca	8,640	Mouth Mamore	800
Jaen	1,491	Tabatinga	255
Loja	6,768	Nauta	436
Cerro de Pasco	13,673	Mouth Ucayali	376
Tarma	10,675	Iquitos	350
Cuzco	11,445	Cajamarca	9,438

GREATEST HEIGHTS FOUND ON CANAL SURVEYS.

Tehauntepec, 780 feet, by Barnard's map.

Nicaragua Canal, 156; summit is 46 feet above Lake Nicaragua.

From Baily's map of Nicaragua, on which there are laid down several lines for canals, the following heights are obtained: Sapoa trial line, 258 feet; Brito line, 202 feet, Managua Realejo line, 212 feet; Lake Managua to Gulf of Fonseca probably 55 feet above the lake.

Panama: Garella's line, 459.2 feet, via Rio Gigante, Rio Grande, Rio Chagres.

Panama Railroad: Colonel Hughes, in Admiral Davis's report, 239 feet.

Darien: Savari and Morti Rivers, by Gisborne, 1854, 1,020 feet.

Darieu, via Atrato, Turando, Michler, 900 feet.

Honduras Interoceanic Railroad, in Squier's book of same name, via Rancho, Chiquita Pass, 2,408 feet; Guajoca, 2,308 feet; Tambla, 1,944 feet; Lamani, 2,016 feet; Nicaragua, Pim, and Leeman, via river Tule and Rama, highest, 700 feet. This is east of Nicaragua.

TABLE OF DISTANCES.

FROM POINTS IN THE UNITED STATES TO POINTS IN MEXICO.

	Miles.
New York to St. Louis	1,068
New York to New Orleans	1,338
St. Louis to El Paso	1,359
St. Louis to Eagle Pass	1,008
St. Louis to Laredo	1,196
St. Louis to New Orleans	700
New Orleans to El Paso	1,158
New Orleans to Eagle Pass	745
New Orleans to Laredo	731
New York, via St. Louis, to El Paso	2,424
New York, via St. Louis, to Eagle Pass	2,163
New York, via St. Louis, to Laredo	2,261
New York, via New Orleans, to El Paso	2,496
New York, via New Orleans, to Eagle Pass	2,083
New York, via New Orleans, to Laredo	2,069
San Francisco to El Paso, via Southern Pacific	1,286
El Paso to City of Mexico	1,224
Eagle Pass to City of Mexico	1,091
Laredo to City of Mexico	839
Eagle Pass to Torreon	384
New York, via St. Louis and El Paso, to City of Mexico	3,648
New York, via St. Louis and Eagle Pass, to City of Mexico	3,254
New York, via St. Louis and Laredo, to City of Mexico	3,100
New York, via New Orleans and El Paso, to City of Mexico	3,720
New York, via New Orleans and Eagle Pass, to City of Mexico	3,174
New York, via New Orleans and Laredo, to City of Mexico	2,908
San Francisco via El Paso to City of Mexico	2,510
Chicago to City of Mexico, via El Paso	2,866
Chicago to City of Mexico, via Eagle Pass	2,471
Chicago to City of Mexico, via Laredo	2,155
St. Louis to City of Mexico, via El Paso	2,584
St. Louis to City of Mexico, via Eagle Pass	2,189
St. Louis to City of Mexico, via Laredo	1,823
Kansas City to City of Mexico, via El Paso	2,398
Kansas City to City of Mexico, via Eagle Pass	2,080
Kansas City to City of Mexico, via Laredo	1,714
Chicago to New Orleans	915
Corpus Christi to Laredo	161
Corpus Christi to City of Mexico	1,000

FROM POINTS IN MEXICO TO POINTS IN CENTRAL AMERICA.

Mexico City to Vera Cruz	263
Mexico City to Alvarado	297
Mexico City to Tehuacan	183
Mexico City to Oaxaca	350
Mexico City to Acapulco	290
Mexico City to San Blas	661
Mexico City to Morelia	223
Mexico City to Perote	237

	Miles.
Monterey to Acambaro	478
Acambaro to Manzanilla	350
Benson to Guaymas	353
Minatitlan to Tehuantepec	135
Oaxaca to Tehuantepec	173
Tehuantepec to Tonala	130
Tonala to Tapachula	115
Tapachula to Retalhulen	55
Mexico Oaxaca to Santa Ana	992
Alvarado to Minatitlan	110
Minatitlan to San Cristobal	200
San Cristobal to Coban	150
San Cristobal to Guatemala City	205

FROM POINTS IN CENTRAL AMERICA TO POINTS IN SOUTH AMERICA.

Coban to Santo Tomas	140
Santo Tomas to Truxillo	
Retalhulen to Quezaltenango	40
Retalhulen to Escuintla	65
Escuintla to Santa Ana	85
Escuintla to boundary (Rio Paz)	58
Escuintla to Sonsonate	80
Santa Ana to San Salvador	35
Sonsonate to San Miguel (by coast)	115
Sonsonate to La Union (by coast)	138
San Miguel to Goascoran	30
La Union to Goascoran	30
San Miguel to Chinandega	120
Chinandega to Rivas	147
Rivas to Matina	200
Guatemala City to Santa Ana	100
Guatemala City to Tejutla	80
Tejutla to Chalatenango	30
Tejutla to Cojutepeque	42
Tejutla to San Miguel	126
San Vicente to Chalatenango	31
Goascoran to Choluteca	40
Choluteca to Chinandega	47
Choluteca to boundary	10
Chinandega to Momotombo	45
Chinandega to Managua	75
Managua to Granada	32
Granada to Rivas	40
Rivas to boundary of Nicaragua and Costa Rica	20
Boundary of Nicaragua and Costa Rica to Matina (Colton's)	180
Matina to boundary of Costa Rica and Colombia	130
Matina to Panama	290
Matina to Aspinwall	275
Panama to a point 7° north 77° west	250
Aspinwall to a point 7° north 77° west	300

DISTANCES MEASURED BY THE FRENCH EXPEDITION (ALONG THE ROADS).

Quezaltenango to Totonicapan	15
Totonicapan to Solola	32
Solola, Guatemala City	71
Guatemala City to Los Esclavos	46
Los Esclavos to Jalpatagua	31
Jalpatagua to Ahuachapan	29
Ahuachapan to Apaneca	9
Apaneca to Nahuizalco	12
Nahuizalco to Sonsonate	9
San Salvador to Cojutepeque	26
Cojutepeque to San Vicente	19
San Vicente to San Miguel	65
San Miguel to La Union	32

DISTANCES IN SOUTH AMERICA.

	Miles.
Point 7° north 77° west to Quibdo	95
Quibdo to Cartago	80
Cartago to Popayan	160
Popayan to Quito	240
Quito to Cuenca	205
Quito to Riobamba	105
Cuenca to Alausi	55
Cuenca to Cerro de Pasco	600
Cerro de Pasco to Cuzco	350
Cuzco to Jujuy	1,231
Jujuy to Tucuman	220
Tucuman to Buenos Ayres	773
Buenos Ayres to Valparaiso	870
Cartago to Buga	60
Buga to Cali	35
Cali to Popayan	65
Popayan to Pasto	110
Pasto to Quito	132
Riobamba to Macas	90
Macas to Moyobamba	250
Moyobamba to Cuzco	640
Moyobamba to Cerro de Pasco	370
Point 7° north 77° west to Antioquia	80
Antioquia to Medellin	45
Medellin to Honda	90
Medellin to Cartago	106
Honda to Bogota	110
Honda to Neyva	150
Honda to Cartago	115
Neyva to La Plata	50
La Plata to Popayan	52
Popayan to Nauta or Oran	510
La Plata to Nauta or Oran	500
Popayan to Moyobamba	585
La Plata to Moyobamba	605
Nauta to Cuzco	650
Oran to Cuzco	690
Nauta to Quito	485
Neyva to Moyobamba	650

DISTANCES GIVEN BY CORTES "BOLIVIA."

	Potosi.	Santa Cruz.	Oruro.	La Paz.	Cochabamba.
	Miles.	*Miles.*	*Miles.*	*Miles.*	*Miles.*
Sucre	87	372	225	30	195
Potosi	.....	459	195	342	282
Santa Cruz	459	.....	480	87	357
Oruro	195	480	.....	282	123
La Paz	342	627	147	.....	270
Cochabamba	282	87	357	123	.....

FROM CHURCH'S "ROUTE TO BOLIVIA."

	Miles.
Jujuy to Potosi	420
Jujuy to Cochabamba	717
Jujuy to Oruro	615
Jujuy to La Paz	762
Jujuy to Rosario	836
Rosario to Buenos Ayres	240
Curumba to Santa Cruz	570

FROM OTHER AUTHORITIES.

	Miles.
Iquitos to Nauta	78
Nauta to Sarayacu	248
Sarayacu to Tierra Blanca	49
Nauta to Tierra Blanca	198
Cerro de Pasco to Huanuco	79
Cerro de Pasco to Tarma	85
Cerro de Pasco to Janja	117.2
Cajamarca to Chachapoyas	183
Cusco to Puno	272
Puno to La Pas	162
Janja to Tarma	34

Total length of Putumayo in a straight line about 600 miles.

Raimondi says that the usual length of the legua is about 5 kilometers (varas 5983) or 3.1 miles.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 126.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Letter of the Secretary of the Interior and reports relative to the proposed purchase of certain land by the Seminole Indians.

May 22, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 20th instant, from the Secretary of the Interior, and accompanying correspondence in the matter of the request of the Seminole Nation of Indians for negotiations with the Creek Nation of Indians for the purchase of an additional quantity of land, being about 25,000 acres, for the use of the Seminoles.

The request is based upon the fact that former purchases do not embrace all of the lands upon which the Seminole Indians have made improvements, and which by the corrected survey were given to the Creeks. The money to be paid for these lands is to be re-imbursed to the Government by the Seminoles.

BENJ. HARRISON.

EXECUTIVE MANSION,
May 21, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, May 20, 1890.

The PRESIDENT:

I have the honor to submit herewith copy of a communication from the Seminole delegation, requesting that negotiations be instituted for the purpose of acquiring from the Creek Indians an additional quantity of land (25,000 acres) upon which the improvements of their people are located, and a copy of a reply thereto, of 29th ultimo, from the Commissioner of Indian Affairs.

The facts connected with the settlement of the Seminoles on these lands are fully set out in the Commissioner's report, and are briefly as follows: By the treaty of March 21, 1866 (14 Stat., 756), the Seminoles were granted 200,000 acres of land of the west half of the Creek domain acquired by treaty of June 14, 1886 (14 Stat., 786). In 1867 a survey of

the Creek dividing line was made by John C. Rankin, and settlement was made, it is claimed, by the Seminoles up to this line. This survey was not approved, the Creeks claiming it was too far east, and a survey was made in 1871 by one Bardwell, which was approved by the Department. The Bardwell line is some 7 miles west of the Rankin line. The 200,000 acres granted to the Seminoles were located west from the Bardwell line, and as the Seminoles had valuable improvements to the east of said line, Congress by act of March 3, 1873 (17 Stat., 626), authorized negotiations with the Creeks for cession of that portion of their reserve on which the Seminoles had been erroneously located, and by act of August 5, 1882 (22 Stat., 265), paid the Creek Nation $175,000 for the 175,000 acres ceded for the Seminoles.

It now appears that the lands purchased in 1882 do not embrace all the improvements made by the Seminoles, and that some 25,000 acres more are needed.

The Commissioner recommends the purchase and has prepared a draught of an item for insertion in some appropriation bill providing for negotiations with the Creeks for the cession of said lands, and for the payment thereof at $1 per acre; the amount paid to be re-imbursed the United States by the Seminole Nation in two annual installments out of moneys due or becoming due said Seminole Nation.

Concurring in the recommendation of the Commissioner, I have the honor to request that the matter be presented for the early and favorable action of Congress.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 29, 1890.

SIR: I have the honor to acknowledge receipt of your communication dated April 11, 1890, transmitting a letter from the Seminole delegation of date February 12, 1890, requesting negotiations to be instituted by you for the purpose of acquiring an additional quantity of land (25,000 acres) upon which the improvements of many of their people are located, with the opinion of the Assistant Attorney General to the effect that you have no authority to negotiate with the Creek Nation for the cession of the land in question, and which you request me to take into consideration, and, if I deem that the best interests of the Indians would be thereby subserved, to prepare a proper bill for Congress, with appropriate report "authorizing a new survey and such action as may be necessary to negotiate with the Creek Nation for the cession of the land occupied by the Seminole Indians."

A full history of this matter is contained in the opinion of the Assistant Attorney-General of April 5, 1890, and also in report from this office, dated February 18, 1881 (up to said date), but for the greater convenience of the committees of Congress a statement of the facts is embodied herein.

By the third article of the Creek treaty of June 14, 1866 (14 Stats., 786), the Creeks ceded to the United States the west half of their entire domain, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon."

The eighth article of the treaty made it the duty of the Secretary of the Interior to cause the line dividing the Creek country to be accurately surveyed.

By the third article of the Seminole treaty of March 21, 1866 (14 Stats., 756), the Seminoles ceded their entire domain to the United States, to locate other Indians and freedmen thereon, the United States agreeing to pay therefor 15 cents per acre.

By the same article the United States granted to the Seminoles 200,000 acres of land of the west half of the Creek domain, acquired by the third article of the Creek treaty above referred to. (It will be noticed that the Seminole treaty was executed some three months before the Creek treaty, but the negotiations were being conducted at the same time. It appears to have been assumed that the Creek treaty would be concluded, or that it *had* been, on February 6, 1866, that date being given in the third article of the Seminole treaty.)

This tract was described as follows:

Beginning on the Canadian River where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6, (June 14) 1866, following said line due north to where said line crosses the north fork of the Canadian River; thence up said north fork of the Canadian River a distance sufficient to make 200,000 acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning.

The line separating the west half of the Creek domain ceded to the United States from the east half retained by the Creeks was therefore to be the east line of the tract ceded to the Seminoles, the Canadian River was to be the south boundary, the North Fork to be the north boundary, and the west boundary was to be a line parallel with the east boundary and distant therefrom far enough to include the requisite amount of 200,000 acres.

Before the actual location of the Seminole domain could be ascertained it was necessary that the line dividing the two halves of the Creek domain should be surveyed and established, and an appropriation of $4,000 for this purpose was made by Congress July 28, 1866 (14 Stats., 320).

At this time a large part of the Seminoles were homeless. A portion removed themselves during the summer of 1866, and the remainder were removed by the Government to what was supposed to be the country granted them by the treaty before the boundaries of the land thus ceded had been determined and marked.

On December 28, 1867, under the direction of the Commissioner of Indian Affairs, a contract was made with John C. Rankin to make the survey required by the treaty.

This survey was reported to be incorrect and was never approved. In 1871 a new survey was made by one Bardwell, which was approved by the Secretary of the Interior July 15, 1872.

This last survey located the dividing line some 7 miles west of the line as surveyed by Rankin. The country between these two lines, embracing an area then estimated at about 175,000 acres, had been settled upon and occupied by the Seminoles since the fall of 1866, the Indians believing themselves and the Department believing them to be upon the domain granted by the treaty, and having made for themselves homes and valuable improvements, while in fact they were within the limits of the Creek domain.

The Creeks claimed jurisdiction of that portion of their lands thus occupied by the Seminoles, and the latter made frequent applications to the Government for protection.

This office having failed to secure the assent of said nations to any proposition looking to a final settlement of the boundary question, Congress, on March 3, 1873, passed an act (17 Stat., 626) authorizing the Secretary of the Interior to negotiate with the Creek Nation for the cession of that portion of their reservation on which the Seminoles had been erroneously located.

The preamble recites the the provisions of the treaties with the several tribes therein mentioned; also that the Indians had settled upon said lands east of the dividing line in good faith, and in order to secure to them their improvements the Secretary of the Interior is authorized—

> To negotiate with the aforesaid Creek Indians for the relinquishment to the United States of such portions of their country as may have been set apart in accordance with treaty stipulations for the use of the Seminoles * * * found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for final and permanent adjustment of their reservations; and the Secretary shall report the result to Congress.

On July 24, 1882, the president transmitted to Congress a communication from the Secretary of the Interior, inclosing an agreement submitted by Creek Indians for the cession of the lands occupied by the Seminoles, together with the draft of a bill to ratify said agreement, and for other purposes (see Sen. Ex. Doc. No. 75, Forty-seventh Congress, first session).

In his letter of transmittal the Secretary stated that the attention of Congress had been called to the matter at its last session, but that no action had been taken thereon; that three several attempts had been made to settle the question with the Indians without avail, and that the draught of the bill submitted was intended to settle the points in dispute.

The bill was not passed by Congress, but the general appropriation act of August 5, 1882 (22 Stats., 265), contains the following item:

> To pay the Creek Nation of Indians for 175,000 acres of land now occupied by the Seminole Nation, the sum of $175,000, as per agreement made in pursuance of the act of March 3, 1873, which agreement bears date February 14, 1881, and is now on file in the Department of the Interior, said sum to be immediately available.

In the annual reports of this office for 1882 and 1883 the commissioner recommended that an appropriation be made to pay for a survey, clearly defining the divisional line between the Seminoles and the Creeks.

Special recommendation for such appropriation was also made January 9, 1884, and April 16, 1884, respectively. No action was taken by Congress, but a contract was made November 17, 1884, for this survey, payable out of the general appropriation for Indian surveys.

The survey was executed by Simon Motz, but was rejected by the Commissioner of the General Land Office. The line was again surveyed in 1888, and the survey duly approved.

In a memorial dated February 12, 1890, the Seminole delegates state that at the time the 175,000 acres of land was purchased it was believed that quantity would cover all the lands occupied by the Seminoles, but that it was subsequently discovered that a large number of them were located and had improved farms on about 25,000 acres of Creek lands, not included in the said purchase, which lands they had continuously occupied since the ratification of the treaty of 1866, or soon thereafter. In view of this fact they request the Secretary to open negotiations with the Creek Nation for the cession and relinquishment to the United States of the said 25,000 acres. They state that the homes and improvements of the Seminoles are worth vastly more than the lands upon

which they are situated will cost; and that it is not the fault of the Seminoles that they were located upon Creek lands, nor that the negotiations under the act 1873 did not embrace all their improvements, they not having been consulted when said negotiations were concluded. They also request that upon completion of this negotiation and the cession of the said 25,000 acres, the Secretary cause to be established the outside boundaries of the lands purchased by the Seminoles under the treaty of 1866, the lands secured to them under the act of 1873, and the said 25,000 acres, by actual survey; and that a patent from the United States for all of said lands be issued to the Seminole Nation.

For the 200,000 acres ceded by the treaty, the Seminoles were required to pay 50 cents per acre, or $100,000, while the 175,000 acres were paid for by the United States at $1 per acre. The lands within the Creek Nation, upon which the Seminoles are now located, should unquestionably be purchased, but I do not think that the United States is under any obligation to pay for the same.

It does not appear that any new survey is needed in advance of the purchase of the lands, after which the new eastern line can be surveyed and the expenses paid out of the regular appropriation for surveys of Indian reservations. The matter of an issuance of a patent can also be then considered.

It is suggested that the desired legislation is more likely to be reached by the insertion of an item in some appropriation bill than by the introduction of a bill.

I have accordingly prepared the draught of such item and herewith submit the same.

I also inclose duplicate copies of the accompanying papers.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

ITEM.

To enable the Secretary of the Interior to negotiate with the Creek Nation of Indians for the relinquishment to the United States of the lands within the Creek Nation now occupied by the Seminole Indians, the sum of $500, the said land, when relinquished by the said Creek Nation and accepted by the Seminole Nation, to become a part of the permanent reservation of the said Seminole Nation or tribe of Indians, and the further sum of $25,000 for the payment of said lands, to be re-imbursed to the United States in two annual installments out of moneys due or becoming due the said Seminole Nation; in all, $25,500.

DEPARTMENT OF THE INTERIOR,
Washington, April 11, 1890.

SIR: I herewith send you a communication from the Seminole delegation to me dated February 12, 1890, my reference thereof to the chief of the Indian division for the facts in the case, his report and map thereon, my reference thereof to the Assistant Attorney-General, and a copy of the opinion of General Shields, all of which I have to request you to take into consideration, and if you deem that the best interests of the Indians would be thereby subserved please prepare a

proper bill for Congress, with appropriate report to me authorizing a new survey and such action as may be necessary to negotiate with the Creek Nation for the cession of the land occupied by the Seminole Indians.

Yours, respectfully,

JOHN W. NOBLE,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

WASHINGTON, D. C., *February* 12, 1890.

SIR: By treaty proclaimed August 16, 1866, the Seminole Nation of Indians ceded their entire domain (2,169,080 acres) to the United States, and by the same treaty purchased from the United States 200,000 acres, ceded by the Creek Nation under the treaty of 1866. By a mistake on the part of the United States, in setting apart and establishing the boundaries of the said 200,000 acres so sold, the Seminoles were located in part on lands owned by the Creek Nation, and they made valuable improvements thereon before the mistake was discovered.

By an act of Congress, approved March 3, 1873 (17 Stat., 626), the Secretary of the Interior was authorized to negotiate with the Creek Nation for the relinquishment to the United States of such portion of their country as may have been settled upon by the Seminoles "found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations," and report the result to Congress.

In pursuance of this act the Secretary of the Interior, on February 14, 1881, entered into negotiations with the proper authorities of the Creek Nation whereby the said nation agreed to sell and relinquish 175,000 acres of their lands so occupied by the Seminoles for and in consideration of $175,000. A copy of said negotiation is herewith attached and marked Exhibit A. By an act approved August 5, 1882 (22 Stat., 265), Congress appropriated the amount agreed upon, which was in due time placed to the credit of the Creek Nation.

It was believed at that time that this amount, 175,000 acres, would embrace and cover all the Creek lands occupied by the Seminoles, but subsequently it was discovered that a large number of Seminoles were located upon and had improved their farms on about 25,000 acres of Creek lands not included in the said negotiation of February 14, 1881, although they were occupying said lands at the time of said negotiation, and had occupied them continuously since the ratification of the treaty of 1866, or soon thereafter.

In view of these facts and the act of Congress above quoted, we, the undersigned delegates representing the Seminole Nation, would respectfully request that the honorable Secretary, at as early a date as practicable, open negotiations with the Creek Nation for the cession and relinquishment to the United States of the said 25,000 acres so occupied by the Seminoles.

The homes and improvements of the Seminoles are worth vastly more than the lands upon which they are situated will cost.

As already stated it is not the fault of the Seminoles that they located upon Creek lands. Nor is it their fault that the said negotiation of February 14, 1881, did not embrace their improvements. They were not consulted when said negotiation was concluded. Besides, the

said lands had not been surveyed, and it was difficult for any person not familiar with the country to tell where an imaginary line would run.

We would further respectfully request, upon the completion of this negotiation with the Creek Nation and the cession of said 25,000 acres to the United States, that the Secretary establish or cause to be established the outside boundaries of the lands purchased by the Seminoles under the treaty of 1866, and the lands secured to them by the said negotiation of February 14, 1881, and the said 25,000 acres, by actual survey, and that a patent from the United States for all of said lands be made and issued to the Seminole Nation.

Respectfully submitted.

THOMAS FACTOR,
O. R. JOHN HARJO,
JOHN F. BROWN,
Seminole Delegation.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

EXHIBIT A.

Under the provisions of the act of March 3, 1873 (17 Stat., 626), the Secretary of the Interior was authorized to negotiate with the Creek Indians "for the relinquishment to the United States of such portions of their country as may have been set apart in accordance with treaty stipulations, for the use of the Seminoles and the Sacs and Foxes of the Mississippi tribes of Indians, respectively, found to be east of the line separating the Creek ceded lands from the Creek Reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations." * * *

So much of the said act as relates to the Sacs and Foxes has been carried into effect by their removal to their proper location on lands west of said "dividing line." The Seminoles are, however, still occupying the lands belonging to the Creeks, for which occupancy the Creeks have as yet received no compensation, from the fact that no agreement could be arrived at between them and the United States as to the price per acre to be paid to the said Creeks by the United States for said lands.

The undersigned, members of the Creek delegation resident in Washington, duly authorized to act in the premises, both by appointment for general purposes under the certificate of the governor, under the national seal, and also by special action of the national council in this instance, copies of which general and special authority are hereto attached, do promise and agree for themselves and for their nation that they will sell, cede, and dispose of the lands now occupied by the Seminoles, belonging to the Creek Nation, to the United States for the sum of $175,000.

And the said Creek delegation do hereby agree for and on behalf of said nation that they will cede to the United States, and do hereby cede, a strip of land in the Indian Territory, now occupied by the Seminole Nation of Indians, lying east of the said line dividing the Creek lands from the lands ceded to the United States in the treaty of June 14, 1866, bounded on the north by the north fork of the Canadian River, on the south by the Canadian River, on the west by the dividing line between the Creek reservation and the land ceded under the treaty of 1866, above noted, and on the east by a line running north and south between the rivers named so far east of said division line as will comprise within said described boundaries 175,000 acres at the price of $1 per acre; said cession to be in full force and effect when the sum of $175,000 shall have been deposited in the Treasury of the United States to the credit of the Creek Nation, to draw interest at the rate allowed in the treaty of June 14, 1866, wherein certain of their lands in the Indian Territory were ceded to the United States; and one-third of said fund shall be forever set aside for educational purposes and the remaining two-thirds shall be subject to such use as the Creek council shall determine.

WARD COACHMAN,
PLEASANT PORTER,
DAVID M. HODGE,
Creek Delegation.

WASHINGTON, D. C., *February* 14, 1881.

DEPARTMENT OF THE INTERIOR,
Washington, February 14, 1890.

DEAR SIR: I herewith inclose you an application by Seminole delegation requesting negotiations to be instituted by me for the purpose of acquiring 25,000 acres of additional land for their habitation under the provisions stated in the said communication dated the 12th instant.

You will please give me a succinct narrative of the history of this territory from the beginning with a view to having the Assistant Attorney-General's opinion upon my authority to enter upon such negotiations, and if there is a want of such authority as to the best means to comply with this request by application to Congress or otherwise.

Yours truly,

JOHN W. NOBLE,
Secretary.

The CHIEF OF THE INDIAN DIVISION.

MEMORANDUM.

Mr. SECRETARY:

Under the treaty of 1866 (14 Stat., 756) the Seminoles ceded their entire domain to the United States and purchased 200,000 acres from the United States of the lands ceded by the Creeks, said 200,000 acres to be bounded on the east by the line dividing the Creek lands from those of the United States.

In 1867, as shown by the accompanying report of the Commissioner of Indian Affairs, a Mr. Rankin made a survey of the Creek line between their lands and that of the United States. This survey was objected to by the Creeks and was never approved and a new survey was made of said dividing line in 1871 by F. W. Bardwell. This latter survey placed the line considerably west of that run by Rankin. In the mean time the Seminoles commenced their settlements on the west side of the Rankin line, supposing that line to be the eastern boundary of their 200,000 acres.

The Bardwell line being approved, the improvements made by the Seminoles were found to be in the Creek country, and in 1873 Congress authorized negotiations for the purchase of 175,000 acres east of said line from the Creeks, supposing that said purchase would include all their improvements, but this was not the case, as shown by the survey made by Mr. Hackbush of the east boundary of said 175,000 acres. The Seminoles now ask that such additional lands be obtained from the Creeks as will cover ll their improvements, which Mr. Brown, one of the Seminole delegates, says extend to the old line first run by Rankin under his contract of 1867.

The following rough sketch will show the lands asked for by the Seminoles.

(Here is given the sketch above referred to.)

Respectfully submitted.

N. E. CARPENTER,
Chief Indian Division.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, April 5, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of the papers relative to the application of a delegation of the Seminole Indians in the Indian Territory, dated February 12, 1890, requesting you to open negotiations with the Creek Nation for the cession and relinquishment to the United States of a portion of their lands occupied by members of the Seminole Nation of Indians.

You request my opinion whether you are authorized to act as requested without further legislation.

The record shows that, under the treaty proclaimed August 11, 1866 (14 Stats., p. 785), the Creek Nation ceded to the United States the west

half of their entire domain, to be divided by a line running north and south, to be sold and used as homes for such other civilized Indians as the United States might choose to settle thereon. By articles 7 and 8 (Seminole treaty of March 21, 1866) it was stipulated that the Seminoles might sell and convey to the United States any and all of their lands, and that the Secretary of the Interior shall forthwith cause the line dividing the Creek country to be surveyed, under the direction of the Commissioner of Indian Affairs, at the expense of the United States.

Under the provisions of article 3 of the treaty proclaimed August 16, 1866 (*idem.*, 755), the Seminole Nation of Indians ceded to the United States their entire domain, estimated at 2,169,080 acres for the sum of $325,362, and purchased from the United States 200,000 acres of land which the United States had obtained from the Creek Nation, bounded as follows:

> Beginning on the Canadian River where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6 [should be June 14], 1866, following said line due north to where said line crosses the North Fork of the Canadian River; thence up said North Fork of the Canadian River a distance sufficient to make 200,000 acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning.

On December 28, 1867, under the direction of the Commissioner of Indian Affairs, a contract was made with one Rankin to make a survey as required by the provisions of the treaty with the Creek Nation. The survey made by Rankin extended 2½ miles east of the agency buildings, and being objected to by the Creeks, it was never approved. In 1871 a new survey was made by one Bardwell, which was approved by the Department on February 5, 1872, when it appeared that nearly all of the extensive improvements made by the Seminoles since their settlement on the land, which they supposed they had purchased from the United States, and also the agency buildings, were east of the true divisional line, and therefore upon lands of the Creek Nation.

The Creeks claimed jurisdiction over that portion of their lands occupied by the Seminoles, and the latter made frequent application to the Government for protection. The Indian Office having failed to secure the assent of said nations to any proposition looking to a final settlement of the boundary question on March 3, 1873 (17 Stats., 626), Congress passed the act authorizing the Secretary of the Interior to negotiate with the Creek Indians for the cession of a portion of their reservation occupied by the Seminoles and the Sacs and Foxes of the Mississippi tribes of Indians. The preamble recites the provisions of the treaties with the several tribes of Indians mentioned therein; also that the Indians having settled upon said lands east of the dividing line in good faith, in order to secure to them their improvements, the Secretary of the Interior is authorized

> To negotiate with the aforesaid Creek Indians for the relinquishment to the United States of such portions of their country as may have been set apart in accordance with treaty stipulations, for the use of the Seminoles, * * * found to be east of the line separating the Creek ceded lands from the Creek reservation, and also to negotiate and arrange with said tribes for a final and permanent adjustment of their reservations; and the Secretary *shall report the result to Congress.*

Under the provisions of said act, three commissioners were appointed by Secretary Delano, who went to the Creek country in October, 1873, but failed to accomplish the object for which they were appointed. (See Report Commissioner of Indian Affairs, 1873, p. 143 *et seq.*).

On March 17, 1875, a special commissioner was appointed by the Secretary of the Interior to negotiate with said Creek Indians, but he

did not succeed, as was also the case with the commissioner appointed for the same purpose in November, 1876.

In his report for 1881 (page 54), the Commissioner of Indian Affairs refers quite fully to the legislation and departmental action theretofore had in the premises, and states that the Creek delegation in February of the same year had offered

to sell to the United States, for the use of the Seminoles, 175,000 acres of their land lying east of the divisional line and embracing the land occupied by the Seminoles at the rate of $1 per acre, in full settlement of all differences and demands on the United States growing out of the question of Seminole occupation of their lands.

The Commissioner, therefore, recommended that Congress adopt the necessary legislation and provide the necessary means to purchase said land.

On July 24, 1882, President Arthur transmitted to Congress a communication from Secretary Kirkwood, inclosing an agreement submitted by the Creek Indians for the cession of their lands occupied by the Seminole Indians, together with the draught of a bill to ratify said agreement, and for other purposes. (In S. Ex. Doc. No. 75, Forty-seventh Congress, first session.) In his letter of transmittal the Secretary states that the attention of Congress was called to the subject at its last session, but no action was taken thereon; that three several attempts have been made by the United States to settle the matter with said Indians without avail; that the draught of the bill submitted was intended to settle the points at issue, and he urged that the measure, if approved by the President, be recommended to the favorable consideration of Congress. The first section of said draught ratified and confirmed the agreement made and submitted to the Secretary of the Interior by the Creek delegation, dated February 14, 1881, by which said Creek Nation ceded to the United States—

a strip of land in the Indian Territory now occupied by the Seminole Nation of Indians, lying east of the said line dividing the Creek lands from the lands ceded to the United States in the treaty of June 14, 1866, * * * so far east of said division line as will comprise within said described boundaries 175,000 acres, at the price of $1 per acre.

Section 2 provides for the appropriation of $175,000 to pay for said land as required by the terms of said agreement. Section 3 sets apart for the use of the Seminoles all the land ceded under said agreement whenever they shall relinquish to the United States in lieu thereof a like quantity of land from the west side of their present reserve, and the relinquishment shall be duly approved by the Secretary of the Interior, and be recorded in the Office of Indian Affairs. Section 4 provides for the appropriation of $3,000 for the survey of the areas of "said two tracts of country, and establishing the out-boundaries thereof." Section 5 provides "that this act shall be in force from and after its passage."

This bill was not passed by Congress, but the general appropriation act of August 5, 1882 (22 Stats., 265), contains the following item:

To pay the Creek Nation of Indians for 175,000 acres of land now occupied by the Seminole Nation, the sum of $175,000 as per agreement made in pursuance of the act of March 3, 1873, which agreement bears date February 14, 1881, and is now on file in the Department of the Interior, said sum to be immediately available.

In his report for 1882 the Commissioner of Indian Affairs again called attention to said agreement, and said appropriation of $175,000 "to pay the Creek Nation for the land now occupied by the Seminole Nation," and recommended that an appropriation be made to pay for a survey, "clearly defining the divisional line between the Seminoles and

the Creeks." This recommendation was renewed by the Commissioner in his annual report for 1883 (page 52). It further appears that the survey of the divisional line between said Creek and Seminole Nations, made by one Simon Motz under contract dated November 17, 1884, was rejected by the Commissioner of the General Land Office, and that the Commissioner of Indian Affairs, on June 11, 1888, requested that the Commissioner of the General Land Office be directed to contract during the present fiscal year for the survey of said line. Such direction was given by the Secretary of the Interior on June 12, same year. The survey made under said directions shows that the last tract of 175,000 acres does not embrace all of the improvements of the Seminoles, and hence they now desire that further negotiation be had to the end that they may acquire title to that portion of the Creek lands estimated at 25,000 acres east of said subdivisional line, upon which they have located and made valuable improvements in good faith.

The foregoing recital is given that you may have the action of the Department and Congress in the premises clearly before you.

In my judgment, the authority given by said act of 1873 having been exercised, and Congress having ratified the agreement made with the Creeks for the cession of the 175,000 acres by making said appropriation in payment for the same, the power of the Secretary over the subject-matter under said act is *functus officio*. (Attorney-General Wirt, 2 Op., 110; Attorney-General Cushing, 6 Op., 603.)

Prior to March 3, 1871, the relations of the Indian tribes or nations with the United States depended upon the provisions of the respective treaties made with them. Since then, however, the Indians have been governed by acts of Congress. (See sec. 2079 R. S. U. S., United States *v.* Kagama, 118 U. S., 375.)

This being so, it follows *ex necessitate rei* that until some further legislative action is taken the Secretary of the Interior has no authority to negotiate with the Creek Nation for the cession of said land occupied by the Seminole Indians. Hence your inquiry must be answered in the negative.

The papers submitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 127.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to a resolution of the 12th instant, information in regard to the condemnation of land for a Zoological Park in the District of Columbia.

MAY 21, 1890.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, May 19, 1890.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of the United States dated May 12, 1890, whereby the Secretary of the Interior is—

directed to inform the Senate whether commissioners have been appointed to appraise the land authorized to be condemned for a Zoological Park in the District of Columbia; if so, their names and the salaries of each, with the amounts paid to each, and what services they, or either of them, have performed. Also, if an attorney has been appointed as legal adviser to said commissioners; if so, his name, salary, the length of time for which he is appointed, what services he has rendered, and the amount paid to him on account of such services, and under what authority he was appointed. Also, whether either of said commissioners, or the attorney, has any interest in real estate in the neighborhood of said proposed park; and whether the Attorney-General has caused the titles to said land to be examined.

By reference to the United States Statutes at Large (vol. 25, page 808), it will be found that in order to establish the Zoological Park referred to in the resolution a Commission was constituted, composed of three persons, namely, the Secretary of the Interior, the president of the Board of Commissioners of the District of Columbia, and the Secretary of the Smithsonian Institution, and which was to be known and designated as "The Commission for the establishment of a Zoological Park."

It will therefore be seen that the Commission thus established has no relation to the Department of the Interior, and that the Secretary of the Interior is merely *ex officio* president of an independent board established by statute.

This board, in pursuance of the authority given it, proceeded personally on several occasions during the last summer to examine the country along Rock Creek described in the law, made appraisements, prepared a map of all that region they deemed best for the park, and filed the same; whereupon, by force of the statute named, all of the tracts therein contained were condemned to the use of the United States for the purposes expressed, but subject to the payment of just compensation, to be determined by the said Commission and approved by the

President of the United States, provided that such compensation was accepted by the owner or owners of the several parcels of land. Such just compensation was determined upon by the Commission and submitted to the President of the United States, who approved the same, and compensation was accepted by the owners of most of the land described in the map. A few, however, refused to accept the amount assessed; whereupon, under the provisions of the law, the Commission, being unable to purchase the same by agreement within thirty days after the filing of the map and consequent condemnation, made application to the supreme court of the District of Columbia, by petition, for an assessment of the value, in accordance with the statute, of such land yet unpurchased. Thereupon the court became authorized and required, without delay, to notify the owners and occupants of such land and to ascertain and assess the value thereof, *by appointing three commissioners to appraise the value or values thereof*, and to return the appraisement to the court. These are the commissioners about whom the resolution of the Senate makes inquiry.

The court proceeded under the law and appointed as commissioners to appraise the values of the several tracts, the owners whereof would not agree to sell, Messrs. Henry A. Willard, B. D. Carpenter, and E. E. White. Mr. Willard declined to act, and on the 18th of February Mr. Samuel E. Wheatley was appointed in his place. The commissioners appointed by the court are the officers of the court, and their compensation will be such as the court may determine to pay them. The Secretary of the Interior as president of the commission, or the commission itself, has nothing to do therewith, as plainly appears from the statute and as is known from the common practice in such cases. The services of these commissioners appointed to appraise this land are under the direction of the court, and what they have performed appears in the records of the court, which are not within the control of the Secretary of the Interior.

The Secretary of the Interior is not informed whether an attorney has been appointed as legal adviser to said commissioners, but inasmuch as these officers of the court can at any time apply for direction or advice to the court itself it is highly improbable that any attorney has been appointed for them. It is believed that no such attorney has been appointed and consequently that no salary is to be paid him.

Whether either of the commissioners appointed as above mentioned, or their attorney, if there be such, has any interest in real estate in the neighborhood of such proposed park the Secretary of the Interior is unable to inform the Senate; but such commissioners having been appointed by a court of record at the seat of Government, it is presumed that all the ordinary precautions were taken to avoid the appointment of those who, by reason of their interest, would not be proper persons to make the assessments. The legal proceedings in the court for condemnation are being conducted by the United States attorney for the District of Columbia and an assistant, Mr. Webb, appointed by the Attorney-General at the request of the Commission.

The Attorney-General has caused the titles to so much land as has been purchased to be examined, and is engaged in still examining the titles to those parts concerning which agreements have been made and upon which payments will be made as fast as the titles are favorably reported upon.

No money has been paid by the Commission upon any purchase except where the Attorney-General has thus reported upon the title.

House Mis. Doc. No. 72, Fifty-first Congress, first session.

JANUARY 18, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

LETTER FROM THE SECRETARY OF THE SMITHSONIAN INSTITUTION TRANSMITTING A REPORT OF THE ZOOLOGICAL PARK COMMISSION.

SMITHSONIAN INSTITUTION,
Washington, D. C., January 17, 1890.

SIR: I am instructed by the Commission for the establishment of a zoological park in the District of Columbia to present a report. This report, signed in duplicate, I have the honor to inclose to you.

Very respectfully, yours,

S. P. LANGLEY,
Secretary Smithsonian Institution,
And Secretary Zoological Park Commission.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

REPORT OF THE PROCEEDINGS OF THE COMMISSION TO ESTABLISH A ZOOLOGICAL PARK IN THE DISTRICT OF COLUMBIA.

OFFICE OF THE ZOOLOGICAL PARK COMMISSION,
Smithsonian Building, Washington, January 16, 1890.

To the Senate and House of Representatives in Congress assembled:

The Commission for the establishment of a zoological park has the honor to report that by the terms of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes" (approved March 2, 1889), section 4 of which provides "for the establishment of a zoological park in the District of Columbia," this Commission was created and charged with the duty of selecting, within a specified area, a tract of land suitable for a zoological park, and of purchasing the same for the Government; and for this purpose an appropriation of $200,000 was made.

The Commission was authorized and directed to make an inspection of the country along Rock Creek, between Massachusetts avenue and the point where said creek is crossed by the military road leading west from Brightwood, and to select from that district of country a tract of land of not less than 100 acres, and which shall include a section of the creek, such as the Commission shall deem suitable and appropriate for a zoological park "for the advancement of science and the instruction and recreation of the people."

On March 9, 1889, the Commission held its first meeting, effected an organization, and immediately thereafter began to inspect the country situated between the two points on Rock Creek that were designated by Congress. At the request of the Commission the Director of the Geological Survey caused to be prepared a preliminary map, based on the charts of the U. S. Coast and Geodetic Survey, showing the ownership of each separate parcel of real estate in the region available for the location of the park.

The members of the Commission made repeated personal tours of inspection to and through the various portions of the Rock Creek region between Massachusetts avenue extended and the military road, a tract of country over 3 miles in length, every portion of that region being visited and studied until the relative merits of the different possible sites for a zoological park were all considered.

Inasmuch as the act required that the first step toward condemnation proceedings should be the locating of the park, and the filing in the public records of a careful map of the same, "showing the location, quantity, and character of each parcel of private property to be taken," the Commission found itself confronted with the danger of locating a park which might afterward be condemned and appraised at a total valuation in excess of the amount appropriated. In view of this, of the numerous holders, and of the excessive prices in many cases demanded, it was decided to invite the various owners of lands along Rock Creek, between the two points indicated, to state to the Commission in writing the lowest prices at which they would be willing to sell all, or certain specified portions of their lands, for the purposes of a zoological park.

Accordingly, on April 15, a circular letter was prepared and sent to each of the various land owners, and a copy of the same is appended herewith, marked Exhibit A. The Commission also caused an advertisement to be inserted in various newspapers published in the city of Washington, likewise calling upon the owners of land in the Rock Creek region, between the crossing of Massachusetts avenue extended and the military road, to state their lowest prices for the same. The replies received in answer to this circular letter and advertisement were generally unsatisfactory, in nearly every case the price asked being believed by the Commission to be in excess of the actual market value of the land, and in several instances being many times what seemed to it to be likely to be asked of a private purchaser.

Finding it impracticable to secure any co-operation from the property owners in its efforts to ascertain the value of land before locating the park, the Commission sought in various directions data for reliable information as to these values; and, among other inquiries, asked the advice of prominent and disinterested citizens of Washington, whom it had reason to suppose possessed special ability in the determination of the value of real estate, these gentlemen giving much time and pains to enable them to answer the Commission's questions, without compensation or reward.

When the Commission felt that it had from these various sources acquired a preliminary knowledge of the prices which might reasonably be expected to result from the condemnation, it proceeded to locate the park. After a full consideration of the relative merits of the different available sites, it was decided that the location proposed to Congress during the consideration of the Zoological Park bill was the best to be found, and indeed so well adapted to the purpose in view that, apart from the question of cost, it stood almost without a rival.

Greatly to the satisfaction of the Commission, it was finally able to acquire a site in the region indicated to Congress by the maps and models submitted at the time of the final debate *, at a cost within the estimates submitted to Congress by the Secretary of the Smithsonian Institution, it being in fact able to purchase here at prices lower than were demanded in situations more remote from the city. In accordance with its best judgment, the Commission, finding itself thus able to secure more land than it had originally contemplated the possibility of doing, included in the area of the site about 167 acres, commencing at a point within less than 2 miles of the Executive Mansion.

On May 17, 1889, the general location and area was determined upon, and immediately thereafter the Director of the Geological Survey was requested to survey the same, and prepare a map in accordance with the requirements of the act for the establishment of the park.

Although many expressed the opinion that it would be found impossible for the Government to acquire any of the land by agreement at prices which would be given by a private purchaser, the Commission is able to report that of the entire 166.48 acres included in the park, it has finally succeeded in securing 131.14 acres by agreement with the several owners thereof, at prices satisfactory to all concerned. The Commission desires to place on record the fact that in its negotiations for the purchase of this land for the United States Government it was finally met by land-holders who owned nearly four-fifths of the park site in a spirit of fairness, and even liberality in some cases, which is certainly unusual in such transactions when the Government is the purchaser. The names of these holders will appear elsewhere in this report, in the schedule of property and property owners.

Of the remaining 35.34 acres in the park site, 34.49 acres will have to be acquired through condemnation proceedings, which are now in progress, and the balance of .84 of an acre is already the property of the Government. The Commission has to acknowledge the tender to them as a gift of 5.10 acres of land from the Woodley Park Syndicate, represented by Mr. H. P. Waggaman, which was legally acquired for the nominal consideration of $1.

On November 21 the survey of the park was completed, and a careful and accurate map thereof was furnished by the Director of the Geological Survey and filed by the Commission in the public records of the District of Columbia, as required by law; and your Commission believes itself justified in the statement that the site is commodious, accessible, and adapted by nature to the special ends it is intended to serve, in a degree beyond any belonging to any other city.

On November 22 the Commission submitted to the President, with a copy of the map of the park showing the tracts condemned for public uses, a schedule of what it considered to be just compensation in each case, and this compensation the President approved on November 26. The Commission is now proceeding to settle as rapidly as it can with the owners whose lands are to be acquired by mutual agreement.

In the following schedule the land to be acquired by agreement is shown distinct from that where the owners have refused the Commis-

(* Congressional Record, March 1, 1889, p. 2663.) Mr. DIBBLE. * * * In the first place, Mr. Speaker, the project as set forth in the bill is for the purchase of not less than 100 acres of land, as members will see from the design and plan in front of the Reporter's desk. I am speaking to the Zoological Park bill, a bill reported by the Committee on Public Buildings and Grounds, in accordance with the design and plan now in front of the Reporter's desk.

sion's prices and where the land remains to be acquired by the process of condemnation specified in the act:

Land acquired by agreement with the owners.

Owner.	Acres.	Price agreed upon.
Miss A. E. J. Evans	94.050	$94,860.00
Herman D. Walbridge	14.450	14,450.00
Woodley Park Syndicate	5.103	1.00
Two Messrs. Waggaman	2.350	5,875.00
Henry C. Holt	13.360	40,000.00
Mrs. M. Caney	1.440	3,000.00
Mrs E. L. Dunn *et al*	.392	170.76
Total	131.145	158,356.76

List of property which must be acquired by condemnation.

Owner.	Acres.	Valuation offered by Commission and approved by President.
Pacificus Ord	24.570	$9,828.00
J. P. Klingle	6.180	4,994.00
Part colored cemetery	1.700	3,000.00
E. E. Hayden	.670	800.00
McPherson & Finley	.315	200.00
	33.435	18,772.00
Quarry road (public property)	.846	.....
Section in stream bed of unclaimed ownership	1.060	.....
Total	1.906	.....
Grand total	166.486	177,128.76

The Commission calls attention to the fact that the accuracy of the estimates of the probable cost of this land, submitted by the Smithsonian Institution to the Appropriation Committees of both houses of Congress, and repeatedly referred to in debate, has been verified by the cost of the purchases made up to date. Of the site of 121 acres that was originally marked out on the maps and models submitted to Congress, 90 acres have now been purchased by agreement. The estimate to Congress of the cost of these 90 acres, taken separately, was $109,750, whereas the actual cost of this ground, by agreement, is $104,316. The plans herewith submitted show—

(1) The relative area and location of the park, on a general map of the city and suburbs.

(2) The actual metes and bounds with the names of the original owners, on a copy of the map described in the act.

Judging from the progress thus far, it now seems probable that the land remaining to be acquired by condemnation and appraisement proceedings, will cost the Government a sum not widely differing from the Commission's valuation; and if this should prove to be the case, after allowing for incidental expenses, the total cost of the entire site will fall so far within the $200,000 appropriated, even after the purchase of about 45 acres beyond the originally contemplated area, as to leave a balance, which may be applied to necessary preliminary expenses.

Before the expiration of the present fiscal year the Zoological Park Commission will have completed the duties with which it was charged

by the act of Congress which called it into existence, and the title to the lands it has purchased will be vested in the United States. Pending the completion of the condemnation proceedings now in progress, and the submission of a final report, it is extremely desirable that Congress should enact further legislation in regard to the park. The Commission has no authority to put up fences and lay out roads or grounds, or to erect buildings, nor is it even certain that it has the right to accept donations. The park is declared by Congress to be "for the advancement of science and the instruction and recreation of the people." In the construction of ponds and lakes, and the erection of inclosures and buildings for the purposes of zoological science, a stage will soon be reached where scientific direction seems obviously desirable; and it is respectfully represented to Congress that any means for laying out and improving the grounds can be most advantageously used in view of the purpose of Congress as to the ultimate disposition of the park now when the foundations of its future usefulness are being laid.* If the very considerable collection of living animals now in the custody of the Smithsonian Institution is to form the nucleus of the zoological park collection its transfer should be effected by legislative enactment and suitable measures taken for its maintenance. The Commission is of the opinion that the collection referred to should, with the consent of the regents of the Institution, be transferred to the zoological park as soon as possible after the Government takes full possession of the site.

JOHN W. NOBLE,
Secretary of the Interior,
J. W. DOUGLASS,
Prest. Board Com. Dis. Col.,
S. P. LANGLEY,
Secretary Smithsonian Institution,
Commissioners for the establishment of a Zoological Park in the District of Columbia.

EXHIBIT A.

OFFICE OF THE COMMISSIONERS OF THE ZOOLOGICAL PARK,
Smithsonian Institution, Washington, D. C., April 15, 1889.

SIR: In accordance with an act of Congress approved March 2, 1889 (Public No. 113), for the establishment of a zoological park in the District of Columbia, the Commissioners created by this act, and charged with the duty of its fulfillment, give notice that they have been "authorized and directed to make an inspection of the country along Rock Creek, between Massachusetts avenue extended and where said creek is crossed by the road leading west from Brightwood (commonly known as the Military road), and to select from that district of country such a tract of land, of not less than 100 acres, which shall include a section of the creek, as said Commission shall deem to be suitable and appropriate for a zoological park."

They further give notice that the act declares:

"That the said Commission shall cause to be made a careful map of said zoological park, showing the location, quantity and character of each parcel of private property to be taken for such purpose, with the names of the respective owners inscribed

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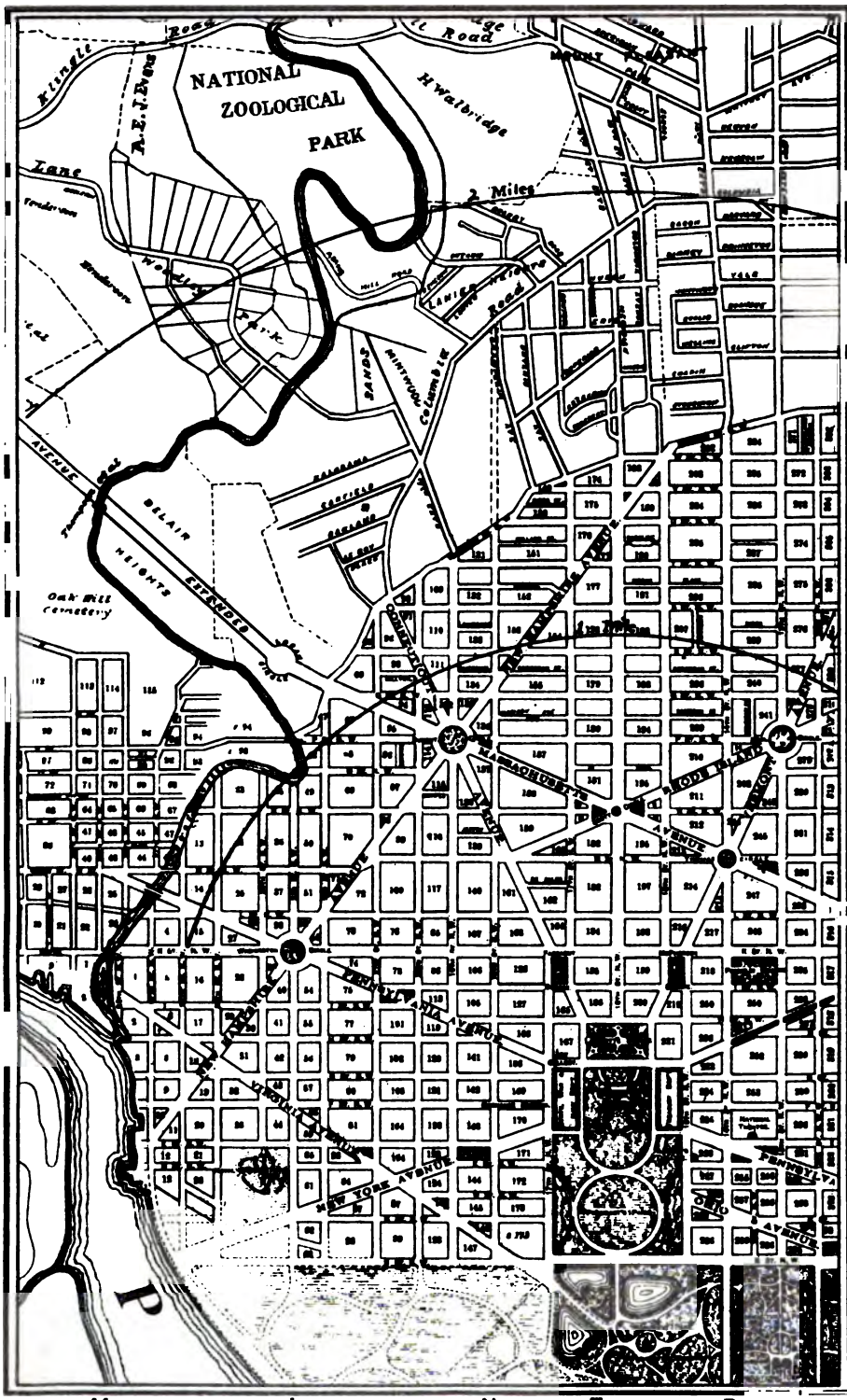
* (Congressional Record, March 1, 1889, p. 2662.) Mr. BRECKINRIDGE. I append the report of the Committee on Public Grounds that the record may show the exact object in view. There is absolute protection from jobbery in the fact that this is to be under the supervision of the Smithsonian Institution.

(P. 2663.) Mr. DIBBLE. We are proud of the Smithsonian, and the Smithsonian has already, by gift, not by purchase, the nucleus of a collection, * * * and I am informed by the Secretary of the Smithsonian that this place furnishes the right kind of location * * * for the propagation and perpetuation of these rapidly disappearing species of American animals, while at the same time it will serve the purposes of a public park.



MAP SHOWING THE LOCATION OF THE NATIONAL ZOOLOGICAL PARK.

S Ex 127 51 1

T CONGRESS, } SENATE. { EX. DOC.
t Session. } { No. 128.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Chief of the Bureau of Statistics relative to an increase in the appropriation for collecting statistics relating to commerce.

MAY 26, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
May 24, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Chief of the Bureau of Statistics of the Treasury Department, of the 22d instant, relative to an increase in the appropriation for "collecting statistics relating to commerce" for the fiscal year, 1891, as contained in the legislative, executive, and judicial appropriation bill, as passed by the House of Representatives, from $1,000 to $1,500.

Respectfully yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS,
Washington, D. C., May 22, 1890.

DEAR SIR: I have the honor to state that, in estimating for the expenses of this bureau for the year ending June 30, 1891, the estimate for the expense of collecting information in regard to internal and foreign commerce was placed at $1,000, and has passed the House at that figure.

Since submitting this estimate it has been represented to me from various sources that if information could be collected showing the magnitude of our domestic commerce on the northern lakes, it would be of great value to the country.

I contemplate the collection, by means of experts, of information upon this subject during the coming fiscal year, and therefore ask an increase

in the appropriation for internal and foreign commerce from $1,000 to $1,500.

I will remark in this connection that I have had an interview with the Senate Committee on Appropriations, and think that the increase will be readily granted if you approve it.

Respectfully yours,

S. G. BROCK,
Chief of Bureau.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 129

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State relative to the report of the International American Conference in favor of an international American bank.

MAY 27, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a report adopted by the International American Conference, recently in session at this capital, recommending the establishment of an international American bank, with its principal offices in the city of New York and branches in the commercial centers of the several other American Republics.

The advantages of such an institution to the merchants of the United States engaged in trade with Central and South America and the purposes intended to be accomplished are fully set forth in the letter of the Secretary of State and the accompanying report. It is not proposed to involve the United States in any financial responsibility, but only to give to the proposed bank a corporate franchise and to promote public confidence by requiring that its condition and transactions shall be submitted to a scrutiny similar to that which is now exercised over our domestic banking system.

The subject is submitted for the consideration of Congress in the belief that it will be found possible to promote the end desired by legislation so guarded as to avoid all just criticism.

BENJ. HARRISON.

EXECUTIVE MANSION,
May 27, 1890.

DEPARTMENT OF STATE,
Washington, May 27, 1890.

The PRESIDENT:

I have the honor to submit herewith the report of the committee on banking as unanimously adopted by the International American Conference recently in session in this city. It was the wish of the Conference that this proposition, of such great interest to every American Republic, should, as promptly as possible, secure the earnest attention of the Congress of the United States.

The foreign commerce of the nations south of the Gulf of Mexico and the Rio Grande amounts annually to more than $1,100,000,000. At present the people of the United States enjoy only a meager share of this market, but the action of the recent Conference will result, I believe, in the removal of certain obstacles which now tend to obstruct the expansion of our trade.

One of the most serious of these obstacles is the absence of a system of direct exchanges and credits, by reason of which the exporting and importing merchants of the United States engaged in commerce with Central and South America have been compelled to pay the bankers of London a tax upon every transaction. Last year our commerce with the countries south of us amounted to $282,005,057, of which the imports of merchandise were valued at $181,058,966 and the imports of specie and bullion were $21,236,791, while our exports consisted of merchandise valued at $71,938,181 and $8,668,470 in specie and bullion. Of the merchandise imported into the United States the greater part was paid for by remittances to London and the cities of the continent to cover drafts against European letters of credit. For the use of these credits a commission of three-quarters of 1 per cent. is customarily paid, so that the European banks enjoyed a large profit upon our business with a minimum of risk. This system steadily results in losses to our merchants in interest and differences in exchange as well as in commissions. These losses would be largely reduced by the establishment of an international system of banking between the American Republics.

The merchants of this country are as dependent upon the bankers of Europe in their financial transactions with their American neighbors as they are upon the ship-owners of Great Britain for transportation facilities, and will continue to labor under these embarrassments until direct banking systems are established.

The report of the committee, hereto attached, presents a simple and easy method of relief, and the enactment of the measure recommended will, in the judgment of the Conference, result in the establishment of proper facilities for inter-American banking.

Respectfully submitted.

JAMES G. BLAINE.

REPORT OF THE COMMITTEE ON BANKING.

[As adopted by the Conference April 14, 1890.]

Pursuant to resolutions passed at the meeting of the Conference on December 7, 1889, your committee was appointed to consider and report upon the methods of improving and extending the banking and credit systems between the several countries represented in this Conference, and now has the honor to submit as the result of its deliberations the following report:

Your committee believes that there is no field of inquiry falling within the province of this Conference for the extension of the inter-American commerce more fundamentally important than that of international American banking, and that, in fact, the future of the commercial relations between North, South, and Central America will depend as largely upon the complete and prompt development of international banking facilities as upon any other single condition whatever.

In the opinion of your committee the question of the mechanism of exchange is secondary, if at all, only to the question of the mechanism

of transportation. Even after better means of transportation than those which exist shall have been established, it will be impossible for the commerce between American nations to be greatly enlarged unless there be supplied to their merchants means for conducting the banking business which shall in some measure liberate them from the practical monopoly of credit which is now held by the bankers of London and the European Continent.

If there be an enlargement of the means of transportation, unaccompanied with an equal extension of financial facilities, only partial benefits will be derived from the former as compared with the benefits which might be derived were the two improvements to progress together.

Your committee is of the opinion that the commerce between the American countries might be greatly extended if proper means could be found for facilitating direct exchanges between the money markets of the several countries represented in this Conference, even if there were no improvements in transportation.

The first effect would be to afford a more direct "clearance-in-account" of goods exported against goods imported.

The large amount of commissions now paid to the European bankers could not only be decreased, but such commissions would be paid to American bankers or merchants themselves, and in this way a share of the profits which now go almost solidly to the European money markets could be kept in the financial centers of this continent.

There does not exist to-day among the countries represented in this Conference any organized system of bankers' exchanges or credits; for instance, drafts upon the United States are not obtainable at all in many of the markets of South America, and in most of them are only salable at a discount below the sterling equivalent. In like manner drafts upon South and Central America are practically unknown in the money markets of New York, Philadelphia, Baltimore, New Orleans, Chicago, and Boston.

The point has been made that to extend business between our States *long credits must be given.* How is it possible for manufacturers and merchants at distant points to form relations of such a character as to justify *the granting of long credits?* At present such relations are chiefly formed through the intervention of European banks and bankers, which are not interested in the extension of trade between the different Countries represented in this Conference except in a secondary and subordinate sense. The extension of trade between Europe and the Americas, not between the Americas themselves, is their first care. By the establishment of a well-organized system of international American banking our merchants and manufacturers would be able to establish improved credit relations, and those administering the system in the several money markets of the Americas would immediately become interested in fostering such relations and facilitating such business to the utmost extent.

The merchants of the United States now importing goods from the countries of South and Central America make such importations, as the investigations of your committee show, almost without exception, through the use of English bankers' credits.

The total foreign commerce of the West Indies, Mexico, South and Central America amounted last year to about $1,200,000,000 United States gold. The committee have not been able to ascertain the amount of the commerce among the Latin America States. The total exchange of commodities between the United States and countries to the South during the year ending June 30, 1888, aggregated $282,902,408, of which the imports into the United States amounted to $181,058,966 of mer-

chandise and $21,236,791 of specie and bullion, and exports from the United States $71,938,181 of merchandise and $8,668,470 of specie and bullion. Of the $181,000,000 of merchandise brought into the markets of the United States the greater part was paid for by remittance to London or the continent, to cover drafts drawn in the exporting markets against European letters of credit.

For the use of these credits on Europe a commission of three-quarters of one per cent. is customarily paid, and the foreign banks reap this great profit at a minimum of risk, inasmuch as the drafts drawn against these credits are secured not only by the goods represented by the shipping documents against which the bills of exchange are drawn, but also by the responsibility of the party (generally the consignee) for whose account the letters of credit are issued, and without any outlay of cash, as the American merchant places the cash with the European bankers to meet such drafts at or before maturity.

This system results in the loss to America of interest and differences in exchange as well as of commissions, all of which could be saved to our countries if international American banking were so developed and systematized as to afford a market for drafts drawn against letters of credit issued in America, such as now exists for drafts drawn against European letters of credit.

At present, therefore, the situation is such that the merchants of this continent are virtually dependent upon European bankers so far as financial exchanges are concerned, notwithstanding the fact that there are ample capital and responsibility in the countries here represented, and it is the opinion of competent persons that such capital would be ready to avail itself of the opportunity of transacting this business directly between the financial centers of our respective countries without the intervention of London if the laws were such as to permit the conduct of the business of international banking under as favorable provisions as are now enjoyed by the European bankers. The prime difference would be that these transactions would be carried on by American instead of European capital, and that the profit would remain here instead of going abroad. This, however, is impossible of realization at present, in view of the fact that the banking houses of the United States doing foreign business are usually controlled by London principals, and that it is impossible, without some change *in the legislation of the United States to secure a sufficient aggregation of capital in corporate form*, and so free from the burdensome restraints and taxes now imposed upon moneyed corporations as to permit competition on equal terms with the European bankers.

Many different plans have been discussed concerning the best means of facilitating direct banking business between our countries. Your committee has considered, and dismissed, a number of propositions relative to the establishment of banks by means of which the national governments themselves should afford financial facilities for inter-American banking. Such action, in your committee's judgment, does not fall within the proper sphere of government. There is no reason, however, why the Governments represented in this Conference should not severally charter banking corporations to carry on business of the class which is now generally done by the great banking corporations of London, that is, not in the issuing of circulating bank notes, but for the purchase and sale of bills of exchange, coin, bullion, advancing on commodities generally, and for the issuing of bankers' letters of credit to aid merchants in the transaction of their business.

In the United States, where capital exists in particularly large volume, and would lend itself most readily to business of this class, and

consequently to the *facilitating of international commerce, the laws are not such as to encourage the aggregation of capital for such purposes.* So far as your committee has been able to discover after careful investigation there is no general statute of the United States nor of any of the States of the United States under which a banking company can be organized with ample capital, which would have the power of issuing such letters of credit and transacting such business as is done by the leading banking companies of London, which virtually occupy the field. In the United States it will be necessary, in order to secure the proper facilities and the proper corporate existence, that there should be legislation granting a charter, and in most of the States such legislation is expressly prohibited by the terms of their constitution. Furthermore, the laws of the several States are such as to impose the severest restrictions upon moneyed corporations, and to subject them to taxation so heavy that it would render it impossible to carry on the business of international banking in successful competition with the English, French, and German bankers.

Your committee believes that the best means for facilitating the development of banking business, and generally of financial relations between the markets of North, South, and Central America, as well as for improving the mechanism of exchange without calling on any Government whatever to exceed its proper functions, would be the passage of a law by the United States incorporating an international American bank, with ample capital, with the privilege on the part of the citizens of the several countries in the conference to take shares in such bank pro rata to their foreign commerce; which bank should have no power to emit circulating bank notes, but which should have all other powers now enjoyed by the national banks of the United States as to deposit and discount, as well as all such powers as are now possessed by firms of private bankers in the matter of issuing letters of credit and making loans upon all classes of commodity, buying and selling bills of exchange, coin, bullion, and with power to indorse or guaranty against proper security, and generally to do whatever can already be done by the great banking firms who are carrying on their business without the aid of corporate charters under the laws of a general partnership. Your committee believes, upon well-founded information, that the capital to such a bank would be promptly subscribed.

The United States Government might and should reserve the largest visitorial powers. The business of such bank could be conducted with perfect safety and with profit to its shareholders and the greatest benefit to our international commerce. Branches or agencies of such a bank could be established in all of the principal financial centers of America, with the formal recognition of the Governments of the several States in which such agencies are established, or arrangements might be entered into with existing banking institutions of the other countries for transacting the business, thus at once affording markets throughout the two continents for the purchase and sale of bills of exchange, facilitating and improving credit conditions generally, and at once effecting a complete mechanism of exchange, such as already exists between our respective countries and the European money markets, but which has as yet no existence between the money markets of North, South, and Central America for the reason already stated.

One of the direct benefits to be derived by all of the Governments represented in the International American Conference from the establishment of such a bank would be that the investors in the several countries in different classes of American securities would have better means

than any which now exist for making such investments. For example, a South or Central American State about to float a foreign loan would feel itself less dependent upon a single combination or syndicate of European bankers than at present. There would be open to such borrowing State two markets to which to apply for national loans as against a single market to the mercy of which said borrowing Government is now virtually exposed. The same holds good as to all classes of State and municipal securities whatever. Latin-American investors would find means more readily at command for the investment in and investigation of all classes of North American securities, and the investors of the United States would also find means for the investigation of and in all classes of securities issued by the States, municipalities, or corporations of Latin America.

Your committee recognizes the fact that London has, for many years, derived the largest possible benefits through its banking facilities with our several States in taking all classes of American loans, which have generally proved themselves to be of most stable and desirable character, but, nevertheless, upon terms which have yielded the London bankers abnormally large profits simply because the element of competition does not exist by reason of the absence of proper banking relations between the several American countries. The institution of such a bank as proposed would at once afford relief against this state of affairs, and would be of benefit not only to the merchants in the manner described, but to all classes of investors generally and without distinction.

In recommending the organization of an International American Bank, the recommendation is based upon the present condition of trade. The establishment of better means of transportation and the promotion of trade in other ways will enlarge the demand for the class of facilities of a banking character which has already been referred to. The rapidly increasing wealth of North and South America also enhances the need for a complete system of inter-American exchange, and insures the subscriptions for an adequate capitalization to an International American Bank to meet such needs. As an evidence of this increase the valuation of the property of the United States in 1870 was estimated at thirty billions; in 1880, forty-three billions six hundred millions, being somewhat larger than the estimated value of the property of Great Britain at that time. The capital and business of the Americas is now much larger than when European facilities for banking between Europe and the Americas were established.

Banks of the character described, having agencies in the financial centers of the countries here represented, would materially promote the establishment and immediate use of a common standard for calculating values whenever such a standard shall be determined upon by the countries in interest.

While the sentiments of the independent nations of this continent are favorable to the settlement of all disputes by arbitration as expressed by resolutions introduced in this Conference, thus rendering war highly improbable if not impossible among them, there exists no such guaranty that war may not take place in Europe. In such event, as long as we remain solely dependent for our financial facilities upon European money centers, a complete demoralization of our credit facilities and our money markets would necessarily follow and cause financial disaster and distress, which would be considerably lessened, if not altogether avoided, were there a well-organized system of inter-American exchange.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 130.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Secretary of the Interior with supplemental estimates for "Salaries, Indian Office."

MAY 29, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *May* 28, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 26th instant, submitting a supplemental estimate for "Salaries, Indian Office," for the ensuing fiscal year.

Respectfully yours,

WM. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, May 26, 1890.

SIR: I have the honor to transmit herewith, a supplemental estimate of appropriation for "Salaries, Indian Office, 1891," and request that the increase of salaries of the several officers therein proposed be incorporated in the Legislative Executive and Judicial appropriation bill, now pending in the United States Senate.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 24, 1890.

SIR: I have the honor to be in receipt, by your reference of the 22d instant with direction to forward the estimate called for, of a communication addressed to you by Hon. R. T. Pettigrew, United States Senate, in which he states that he has introduced a bill to increase the salary

of the Commissioner of Indian Affairs and the Assistant Commissioner.

He further states that this bill can be incorporated in the Judicial, Executive and Legislative appropriation bill if an estimate for it from the Department be transmitted to the Committee on Appropriations in regular order.

He further requests that such an estimate be prepared and forwarded at once, the increase of these salaries to be at $1,000 per annum, each.

In compliance with the request of the Department, I have caused to be prepared the necessary estimate, herewith inclosed, and inasmuch as the bill introduced by Mr. Pettigrew (S. 3908; see Congressional Record of the 23d instant, page 5396) contemplates in addition the increase of salary of the financial clerk of the Indian Office, I have also estimated for an increase at the rate of $250 per annum for said financial clerk, with the recommendation that the same be forwarded to the chairman of the Senate Committee on Appropriations through the honorable the Secretary of the Treasury.

The letter of Senator Pettigrew is respectfully returned herewith.

Very respectfully,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the Indian Office.

Detailed objects of expenditure, and explanations.	Estimated amount required for each detailed object of expenditure.	Amount appropriated for current fiscal year ending June 30, 1890.
Salaries, Indian office:		
Commissioner of Indian Affairs (R. S., p. 78, sec. 462; act Feb. 26, 1889, vol. 25, p. 735, sec. 1)	$4,000	.....
Increase (submitted)	1,000	.....
Assistant commissioner, who shall also perform the duty of chief clerk (R. S., p. 74, sec. 440; act Feb. 26, 1889, vol. 25, p. 735, sec. 1)	3,000	.....
Increase (submitted)	1,000	.....
Financial clerk (act June 15, 1880, vol. 21, p. 231, sec. 1; act Feb. 26, 1889, vol. 25, p. 735, sec. 1)	2,000	.....
Increase (submitted)	250	.....
Total	11,250	$9,000

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 131.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A communication from the First Comptroller of the Treasury recommending the employment of additional clerks in his office.

MAY 29, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
May 28, 1890.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, a communication from the First Comptroller of the Treasury of the 24th instant, in relation to the necessity of an additional force in his office, and asking that Congress provide for five more clerks therefor, as follows:

1 law clerk (in the office of Comptroller)	$2,000
2 clerks of class 4, at $1,800	3,600
1 clerk of class 3, at $1,600	1,600
1 clerk of class 2, at $1,400	1,400
	8,600

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., May 24, 1890.

SIR: Owing to a large increase in the work in this office I find my present force wholly insufficient. If possible, I would be greatly obliged and the public service advanced if you could send me a detail of three men for a week or ten days. I would prefer men who are familiar with the accounts of United States marshals. I am behind some six months.

In this connection I would respectfully suggest that Congress be asked to appropriate for at least five additional clerks:

1 law clerk (in the office of Comptroller)	$2,000
2 clerks of class 4, at $1,800	3,600
1 clerk of class 3, at $1,600	1,600
1 clerk of class 2, at $1,400	1,400
	8,600

I find upon examination that the work of this bureau is steadily increasing at the rate of about 10 per cent. each year; that during the last ten years while the work has increased 99.29 per cent. the force has been increased only 17.64 per cent. and the amount appropriated for salaries but 15.89 per cent. Attention is respectfully invited to inclosed comparative statement, which omits many items of minor importance, but which involves a large amount of work.

In addition to the regular work of the office there will be for the next two or three years an extraordinary increase of work on account of the Census. The increase of force suggested, in my opinion, would be no more than the office should have to keep up with the current work. A number of clerks are and have been for several months compelled to work for several hours each night, and still are unable to keep up with the current business.

Complaints are coming in daily from claimants, ex-officials, and officials that they can not get their accounts or claims settled. Many of these ex-officials have been out of office for a year. It is a great hardship and wrong to claimants that there should be any considerable delay in the settlement of their accounts, and besides, such delay may result in loss to the Government.

First Comptroller Lawrence, referring to the necessity for a law clerk in the office of the First Comptroller, in his report for the fiscal year ended June 30, 1880, said:

> A law clerk and a stenographer are deemed necessary for the efficiency of the service in this office. The First Comptroller is the law officer of the Treasury Department. He is charged with the duty of ultimately deciding all questions of law arising upon warrants for the payment of money from the Treasury and the accounts of the Treasurer of the United States. This includes all the agencies by which money may be paid from the Treasury. The decisions so made are generally final, subject only to the revision of Congress, and in certain cases, not frequent in practice, by the Court of Claims, * * *
>
> It must be apparent that questions of great magnitude and difficulty are frequently presented for decision. Counsel of great ability are often retained by claimants to present oral and written or printed arguments against the Government, which is not represented by counsel. It is therefore important that every reasonable aid should be furnished to this office to protect the interests of the Government.

Until I entered upon the duties of the office, for several years, the comptrollers detailed one of the clerks, Mr. Haywood, a lawyer of considerable ability (now chief of the Judiciary Division in this office), to perform this service. Since his promotion I have been unable to fill the place in like manner, for the reason that no clerk could be spared from his desk without embarrassment to the service.

Very respectfully,

A. C. MATTHEW,
Comptroller.

The SECRETARY OF THE TREASURY.

Comparative statement of the work performed in the office of the First Comptroller for the fiscal years 1879 *and* 1889.

Accounts.	1879.	1889.	Increase.	Decrease.
Judiciary	2,912	8,677	5,765	.....
Public debt	365	596	231	.....
Treasurer's general accounts	4	3	.....	1
Assistant treasurers	75	74	.....	1
Mint and assay office	279	292	13	.....
Transportation of coin and securities	179	340	161	.....

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 132.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report from the Chief of Engineers relating to work at North Point and on Anastasia Island, in the harbor of St. Augustine, Fla., in response to Senate resolution of May 16.

MAY 29, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, May 28, 1890.

The Secretary of War has the honor to transmit to the Senate a report from the Chief of Engineers, dated the 27th instant, relating to work at North Point and on Anastasia Island, in the harbor of St. Augustine, Fla., in response to Senate resolution of the 16th instant, as follows:

That the Secretary of War is hereby directed to inform the Senate of the present condition of the work at North Point and on Anastasia Island, in the harbor of St. Augustine, Fla., also whether the appropriation therefor in the river and harbor act of 1888 is sufficient to complete said improvements in accordance with the plans of the engineer officer in charge of the same, and if not, what further appropriation is recommended for that purpose.

REDFIELD PROCTOR,
Secretary of War.

To the PRESIDENT OF THE SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., May 27, 1890.

SIR: I have the honor to acknowledge reference to this office of resolution, dated May 16, 1890, of the Senate of the United States, directing the Secretary of War—

To inform the Senate of the present condition of the work at North Point and on Anastasia Island, in the harbor of St. Augustine, Fla., also whether the appropriation therefor in the river and harbor act of 1888 is sufficient to complete said improvements in accordance with the plans of the engineer officer in charge of the same, and if not, what further appropriation is recommended for that purpose.

This resolution was referred to Capt. W. M. Black, Corps of Engineers, the officer in local charge of the work, and I have to submit herewith a copy of his report of the 24th instant in reference thereto, from which it will be seen that from experience already gained it is his opinion that to complete the protection the groin on the point should be ex-

tended 150 feet; a third groin should be built on the North Point, about 1,000 feet south of the main groin; and one should be located on Anastasia Island, directly opposite to the point, with such light intermediate works as experience may show to be necessary. The estimated cost of the additional work is $30,000.

The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

REPORT OF CAPTAIN W. M. BLACK, CORPS OF ENGINEERS, ON CONDITION OF WORKS AT NORTH POINT, ON ANASTASIA ISLAND, AND IN SAINT AUGUSTINE HARBOR, FLORIDA.

UNITED STATES ENGINEER OFFICE,
St. Augustine, Fla., May 24, 1890.

GENERAL: I have the honor to submit the following report on the present condition of the work at North Point and on Anastasia Island and in the harbor of St. Augustine, Fla., as directed in Department indorsement dated May 19, 1890.

On recommendation of the Board of Engineers, approved by yourself and the Secretary of War, it was directed that the $35,000 appropriated in the act of August 11, 1888, "be applied towards checking the rapid caving in progress on Anastasia Island and on North Point" * * * "in order to prevent the threatened deterioration of the present entrance to the harbor.

Between 1791 and 1887 the total erosion of the east side of the North Point varied from 350 to 1,000 feet, the maximum erosion being near the point. On the east side of Anastasia Island the eroded portion varied in width from 850 to 2,750 feet, the maximum erosion being at a point southeast from the light-house. Between 1887 and the time the works were started (January, 1890, for North Point, and October, 1889, for Anastasia Island) the North Point high water line had moved west about 95 feet and the point had been shortened 330 feet. On Anastasia Island the high water line had moved west from 10 to 160 feet. The erosion was continued with every gale.

To understand the danger to the harbor threatened by this erosion it must be remembered that the ship-channel across the bar is kept open exclusively by the ebb currents from the harbor; that these currents, coming south from the North River and north from the Matanzas, are almost directly opposed within the mouth of the harbor, but at the entrance are joined together and given definite direction by the shores of North Point and Anastasia Island. It is mainly due to the relative position of these guiding shores that this entrance is so superior to that at Mosquito Inlet and the Indian River entrances.

When the North Point work began the point had already been cut back so far and the entrance widened so much that the ebb currents through the swash-channel around the point were visibly greatly increased in velocity and volume, the swash-channel was deepened and the main ship-channel was shoaler than for many years.

The appropriation is now about exhausted and work will cease in a short time. One groin has been built on Anastasia Island near the

north end of the light-house reservation. This has stopped the erosion and has built out the high and low water lines for a distance of 1,500 feet to the north and south. On the North Point the main groin is located as near the extremity as was consistent with safety against being cut out by storms, and a smaller groin is built on the point. The main groin has been completed to its present length since April 14, 1890, and the groin on the point is still under construction. Already the erosion has been stopped and the low-water line beginning at a point 2,000 feet north of the groin and extending around the point has been pushed seaward a distance varying from 50 to 250 feet, as shown on the accompanying chart. The ebb currents through the swash-channel have been markedly decreased. Owing to the limited sum available, the work is of somewhat lighter character than is desirable for the exposure but it is believed that to the extent it has gone the improvement is permanent.

From the experience already gained it is my opinion that to complete the protection, the groin on the point should be extended 150 feet, a third groin should be built on the north point, about 1,000 feet south of the main groin, and one should be located on Anastasia Island, directly opposite to the point, with such light intermediate works as experience may show to be necessary. The estimated cost of the additional work is $30,000.

Very respectfully, your obedient servant,

W. M. BLACK,
Captain, Corps of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

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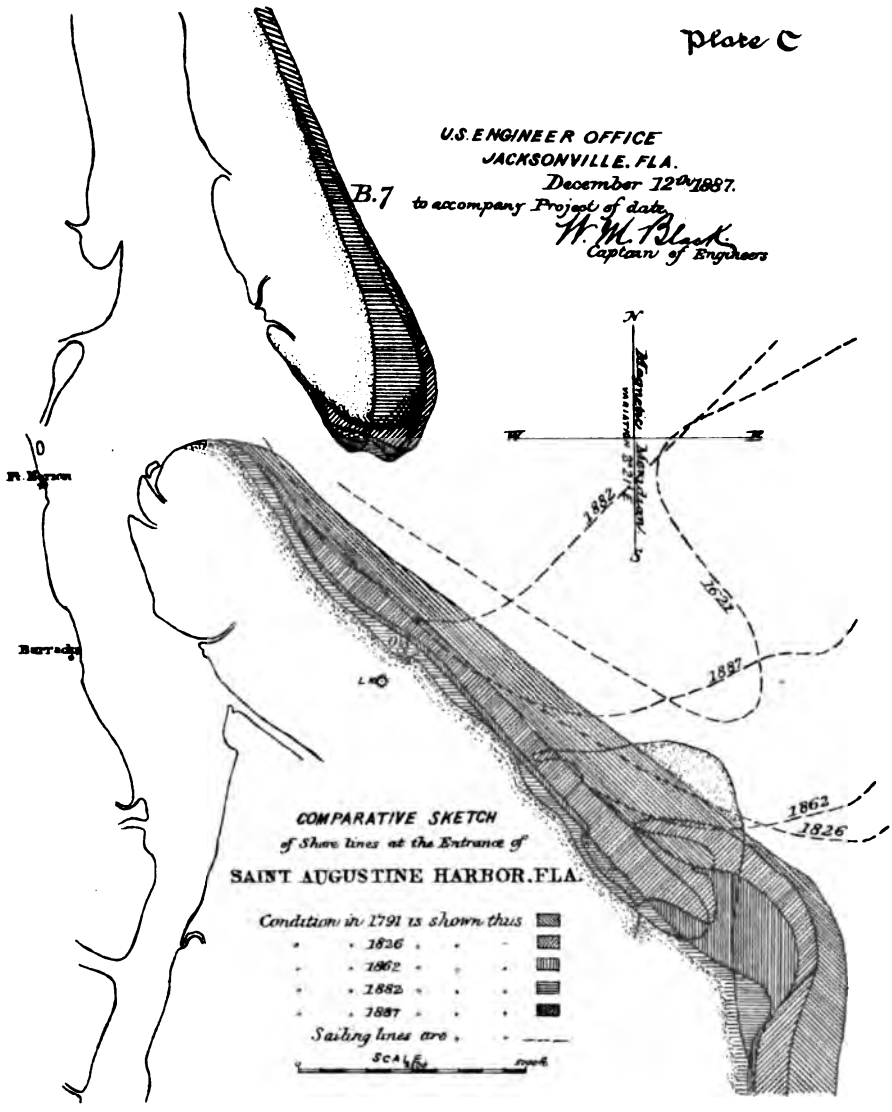
[redacted]

Plate C

U.S. ENGINEER OFFICE
JACKSONVILLE, FLA.
December 12th 1887.
B.7 to accompany Project of date
W. M. Black
Captain of Engineers



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51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 133.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to a resolution of May 14, 1890, information in regard to the alleged non-fulfillment of the treaty with the Chippewa Indians.

MAY 29, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, May 27, 1890.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate:

Resolved, That the Secretary of the Interior is hereby directed to investigate and report to the Senate, as soon as practicable, into the alleged facts of the non-fulfillment of the fourth article of the treaty with the Chippewas at La Pointe, Wis., September 30, 1854, wherein it was stipulated that the reservation for the Fond du Lac band should embrace the following boundaries: "Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savaunah River, thence down the St. Louis River to the place of beginning." And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency; and

Whereas when the survey was made it was grossly inaccurate, diminishing the stipulated reservation many thousands of acres; the amount taken from the Indians was sold by the Government as public lands, thus depriving, as is alleged, the Indians of a large and valuable part of their reservation. (See Ex. Doc. 247, page 24, Fifty-first Congress, first session, House of Representatives.)

In response thereto I transmit herewith copy of a communication of 24th instant from the Commissioner of Indian Affairs and accompanying papers, to whom the matter was referred.

These papers give a full history of the matter, and show that the present area of the reservation is more than 100,000 acres.

I have the honor to be, very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 24, 1890.

SIR: I have honor to acknowledge the receipt of your letter of the 16th instant, transmitting for investigation and report a resolution of the Senate of the United States of the 14th instant, as follows:

Resolved, That the Secretary of the Interior is hereby directed to investigate and eport to the Senate, as soon as practicable, into the alleged facts of the non-fulfill-

ment of the fourth article of the treaty with the Chippewas at La Pointe, Wis., September 30, 1854, wherein it was stipulated that the reservation for the Fond du Lac band should embrace the following boundaries: "Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning." And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency; and

Whereas when the survey was made it was grossly inaccurate, diminishing the stipulated reservation many thousands of acres; the amount taken from the Indians was sold by the Government as public lands, thus depriving, as is alleged, the Indians of a large and valuable part of their reservation. (See Ex. Doc. 247, page 24, Fifty-first Congress, first session.)

In reply I have to state that the records of this office show that in a letter to the Commissioner of the General Land Office, dated April 21, 1856, the Commissioner of Indian Affairs designated certain special surveys of Indian reservations, the exterior boundaries of which it was desired to have surveyed under direction of the General Land Office, among which was—

(1) The 100,000-acre tract reserved for the use of the Fond du Lac band, by the fourth subdivision of the fifth article of the said treaty with the Chippewas of Lake Superior, concluded September 30, 1854 (10 Stat., 1109; letter book No. 45, p. 134).

On November 10, 1858, the Commissioner of the General Land Office transmitted to this office a copy of the plat and field-notes of the survey made agreeably with the foregoing and in conformity with the treaty aforesaid, together with a copy of a communication from Peter E. Bradshaw, deputy surveyor, who made the survey, addressed to the surveyor-general of Minnesota, in which he reported that the boundary of the reservation as surveyed by him did not embrace the principal settlement of the Indians, which, with their improvements, was located at Perch Lake and in its vicinity, said lake being some 3 or 4 miles south of the southern boundary of the reservation as established by his survey.

He further represented that the Indians were very much dissatisfied with the location of said boundary, claiming that the treaty secured to them the lands in the vicinity of said Perch Lake (see Exhibit A).

Under date of November 16, 1858, the Commissioner of Indian Affairs reported the matter to the Secretary of the Interior, observing that he was fully satisfied that it was the understanding of the respective parties who negotiated the treaty that the southern boundary line, as therein described, should have embraced the Indian settlements at Perch Lake. Furthermore he recommended, in consideration of the fact that an error had been committed in the description of the line as given in the treaty, which if not corrected would compel the Indians to abandon the only settlement, perhaps, where they could make a living, that the subject be laid before the President, with a view to such action as might be necessary to withdraw from pre-emption and sale so much of the public lands in the vicinity of Perch Lake as might be required to protect the interest of the Indians and secure to them their improved settlements, *in order that appropriate steps might be taken with the approbation of the President to settle existing difficulties pertaining to said boundary by subsequent negotiations looking to a change of the lines of the present reserve.*

In closing his report the Commissioner stated the estimated area of the reservation (as surveyed by Deputy Surveyor Bradshaw) to be 125,294 acres, or about 25,000 acres more than was contemplated by the treaty, and suggested that the Government as well as the Indians would be benefited by extending the southern boundary so as to include the

Indian settlements, and by reducing the aggregate so that the reservation should embrace as nearly as possible 100,000 acres, to conform to the treaty stipulations (Exhibit B).

Agreeably with the foregoing recommendation, the President, by his order dated December 21, 1858, withdrew from settlement and sale the following described lands:

Townships 48 north, ranges 17 and 18 west; 49 north, range 16 west—west of St. Louis River; 49 north, ranges 17, 18, and 19 west of the 4th principal meridian (Exhibit C).

Under date of December 29, 1858, the superintendent of Indian affairs for the northern superintendency, W. J. Cullen, esq., was furnished with a copy of the President's order, and of the recommendation of this office upon which it was based; and directed to communicate the facts in the case to the agent in charge of the Fond du Lac Reservation, with directions to inform the Indians accordingly (see Exhibit D).

In reply to the foregoing, on January 7, 1860, the said superintendent transmitted to this office a report, dated December 4, 1859, from the agent of the Fond du Lac's, submitting a diagram of a proposed extension of the southern boundary of the Fond du Lac Reservation, which would embrace the settlements and improvements of the Indians in the vicinity of Perch Lake, together with a report, dated November 30, 1859, from the surveyor (S. A. Forbes) who explored the country under direction of the agent and located the said lake and Indian settlements. (See Exhibit E, with diagram.)

On August 7, 1860, the Commissioner of Indian Affairs acknowledged the receipt of the superintendent's letter and accompanyng papers and diagrams, *and approved the proposed extension of the reservation south*, and at the same time directed the superintendent to instruct the agent in charge of the Fond du Lac Reservation "to take measures at his earliest convenience *to establish the exterior lines of the same*, and when completed * * * to report to this office a description of said exterior lines *to the end that the same may be incorporated in articles of agreement, which will be forwarded, to be concluded with the Fond du Lac band with the view of securing to them the land embracing their improvements in lieu of that designated in the treaty.*" (See Exhibit F.)

It should be observed that the proposed adjustment of the boundaries of the reservation, to which this office gave its approval, not only extended the reservation south to include the Indian settlement at Perch Lake, but it also cut off a very considerable strip from the reservation on the west, theretofore included and embraced in the original survey of the reservation made by Bradshaw in 1858.

It retained, however, a little in excess of 100,000 acres for the use of the Indians.

On December 29, 1860, Superintendent Cullen transmitted to this office a letter from Agent Drew, in charge of the Fond du Lac Reservation, inclosing the plats and field notes of a survey made under his direction, by S. A. Forbes, surveyor, of the exterior lines of the modified reservation as contemplated in the instructions given by this office to Superintendent Cullen, August 7, 1860, above referred to; also the report of the surveyor thereon (Exhibit G).

The boundaries of the reservation as thus surveyed embraced an area of 100,121.22, as appears from the diagram thereof and from Superintendent Cullen's report.

On September 11, 1861, this office transmitted to the General Land Office the diagram and field notes of said survey as the *final survey of the reservation*, with the statement that no reason was known why the

lands outside of said reservation should be longer withheld from private entry (Exhibit H), and thereupon it appears that the General Land Office transmitted copies of the same to the surveyor-general of Minnesota with directions to lay the reservation on the diagrams of Minnesota to accompany his next annual report, as well as upon the original map of Minnesota (Exhibit I).

And later, on September 18, 1861, the register and receiver at Portland, Minn., were instructed to note upon the tract and plat books of their office, upon such portions of the townships as were withdrawn by the Executive order of December 21, 1858, as were not included in the modified reservation (as surveyed by S. A. Forbes), the words "released from withdrawal," and they were further advised that those portions of the said withdrawn townships as were not embraced in the modified reservation would be liable to pre-emption settlement from and after the date of the receipt by them of the diagram of the survey made by Mr. Forbes (Exhibit K).

I have been unable to find from the records of this office that anything was ever done looking to an agreement with the Fond du Lac band of Indians for "securing to them the land embracing their improvements in lieu of that designated in the treaty," which, as we have seen, was the declared purpose of the office in directing the re-establishment of the boundary lines as indicated by the Forbes survey.

The following extract from a report to this office, dated February 1, 1872, (twelve years after the final survey was made), from the agent of the Lake Superior Indian Agency, is given for the information it contains:

> The first survey of the reservation was unsatisfactory to the Indians, who contended that the boundaries did not embrace the particular lands they intended to reserve, and, at their instance, a new survey was made in 1858 (1860 ?), which proved satisfactory to them and was and has until recently been recognized by all concerned, including the different Departments of the General Government. Recently, however, the Northern Pacific Railroad Company, whose line crosses the reservation as at present located, has disputed the legality of the last survey and refused to pay for the right of way across the reservation until after further investigations and surveys.

Also the following from a report by the Commissioner of Indian Affairs to the Secretary of the Interior, dated February 14, 1872:

> The reservation for the Fond du Lac band contains about 100,000 acres, and is located in the northeastern part of Minnesota. * * *
>
> As originally surveyed this reservation did not include within its limits some lands claimed by the Indians, and at their request a second survey of it was made. This was acceptable to them and was recognized by the Government.

As a matter of history connected with the case it would be proper to state that Congress, by act approved May 29, 1872 (17 Stats., 190), authorized the Secretary of the Interior, *with the consent and concurrence of the Indians*, to remove the Fond du Lac and certain other bands of Chippewas from their respective reservations and locate them on the Bad River or La Pointe Reservation, in Wisconsin, and to appraise and sell their abandoned reservations.

The Fond du Lac band gave their consent thereto on the 18th of November, 1872, and appraisers were appointed to appraise their lands, but the subsequent dissatisfaction of the band was such that the appraisement was discontinued and the Indians were not removed.

Reference is made in the Senate resolution calling for this report to Ex. Doc. No. 247, page 24, Fifty-first Congress, first session

The paper to which reference is therein made is the report of the commission which recently negotiated agreements with the Chippewas in

Minnesota, including the Fond du Lac Band, under authority of the act of January 14, 1889 (25 Stats., 642).

The commissioners, after describing the boundaries of the Fond du Lac Reservation as defined by the treaty of September 30, 1854, observe:

> Whoever was sent to make a survey of this reservation followed the last clause of the article, and by his survey limited the area to 92,346 acres, the north end of his survey line on the west not reaching within 12 miles of the mouth of the Savannah River, thus defrauding these Indians of over 100,000 acres, which lands were put into the market and long ago disposed of by the United States; and for over a quarter of a century this injustice has been permitted to exist, a festering and deep-seated cause of complaint against the Government. The Indians at the time of the making of the treaty had the boundary lines definitely fixed by natural lines to them unmistakable. They knew no more about acres than they did of the mariner's compass.
>
> We had no hesitation in promising that the Government would speedily remedy this grave error.

The commissioners are grievously mistaken in their information. The Fond du Lac Reservation as at present existing contains 100,121 acres, instead of 92,346 acres, as stated by them. The figures they give represent only the unallotted lands, in addition to which there are 7,775 acres allotted in severalty to the Indians. Therefore the statement that the survey (of 1860) "limited the area to 92,346 acres" is incorrect, as it actually embraced 100,121 acres, as before stated.

It appears then, to briefly sum up the matter:

(1) That the exterior boundaries of the Fond du Lac Reservation were surveyed in 1858, under direction of the General Land Office (the Bradshaw survey).

(2) That the boundaries established by such survey, although conforming to the description given in the treaty, were not satisfactory to the Indians, for the reason that their principal settlements and most valuable improvements, situated in the vicinity of Perch Lake, were not embraced in the reservation.

(3) That the President, in order to protect the interests of the Indians and secure to them their improved settlements, added a strip of country on the south to include said settlements.

(4) That the Indian Office subsequently (in 1860) caused a survey of the reservation to be made (the Forbes survey) with a view to establishing new boundaries which should include the Indian settlements at Perch Lake and at the same time reduce the reservation on the west so that the total area of the same should be about 100,000 acres.

(5) That upon the completion of said survey the Indian Office notified the General Land Office that there was no reason known why the lands outside of the boundaries established by the Forbes survey should be longer withheld from private entry.

(6) That thereupon all of the lands embraced in the original (Bradshaw) survey of 1858, or covered by the order of the President of December 21, 1861, adding certain townships on the south, lying outside of the modified reservation as established and defined by the Forbes survey, were restored to the public domain and opened to white settlement.

(7) That the reservation as established and defined by the Forbes survey of 1860 has been recognized ever since said survey was made as the proper treaty reservation of said Indians, and it further appears that the reservation as thus defined was very acceptable to the Indians at the time the survey was made, and I have been unable to discover from the records and files of this office anything to show that the segregation of the western portion of the reservation by the survey of 1860, in lieu of which valuable lands were added on the south, has been

"a festering deep-seated cause of complaint against the Government," or that any dissatisfaction on the part of the Indians on that account has ever been reported to this office.

I return the Senate resolution and inclose a copy of this report.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT A.

GENERAL LAND OFFICE, *November* 0, 1858.

SIR: I herewith transmit to you a copy of the plat and field-notes of the survey of the Fond du Lac Indian Reservation, which has been surveyed under the direction of the surveyor-general of Minnesota, in conformity with the fourth clause of the second article of the treaty with the Chippewas of Lake Superior, dated September 30, 1854 (Statutes at Large, volume 10, page 1110), and agreeably to the arrangement made between this and your office for the survey of the same, as will appear in a communication to us dated April 21, 1856.

The reservation contains 125,294 acres, and the expenses of the survey amounting to $2,422.88, will be paid out of the appropriation of $100,000, per act of 3d March, 1857, "for surveying the public lands," etc.

I would call your attention to the fact that the lines of this survey do not embrace the principal settlements of the Indians, which, with their improvements, are located at "Perch Lake" and its vicinity, which lake is some 3 or 4 miles south of the southern boundary of the reservation as established by this survey. The deputy surveyor reports the Indians as being much dissatisfied with the location of said south boundary line, as will appear from the accompanying copy of the report made by him to the surveyor-general of Minnesota.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

Hon. J. W. DENVER,
Commissioner of Indian Affairs.

ST. PAUL, MINN., *October* 16, 1885.

SIR: Agreeably to instructions received from you dated 2d to 29th April, 1858, I started 1st June, 1858, from Superior, Wis., to survey the exterior boundary lines of the Chippewa Indian Reservation, situated on the St. Louis River, Minn., and went thence as near as possible to the source of the east branch of the Snake River, distant from Superior about 80 miles; then sending part of the party back to Fond du Lac for provisions, some 70 miles, I took two men and what provisions they could carry and followed down a stream on which we had camped to the first known point on Snake River, which proved to be "Cheywatawna," distant about 100 miles. I then found that we had in the first place camped about 2½ miles west of the true source of the river. Proceeding immediately back to camp, I started a line in the middle of a large open tamarack swamp, about 2 miles in diameter, same being the true source of the east branch of the Snake River, and run thence for the Savannah River, north 11° east. Having reached the same, and having on hand just enough provisions for the purpose, I immediately ran and established the westerly boundary of the reservation, length a little over 13 miles; thence proceeding back to the mouth of the Savannah River, ran the meander of the right bank of the St. Louis River down-stream to a point opposite the center of an island mentioned in the treaty of September 30, 1854, and called therein "pawpaw" "Su-mi-mi-ty." As the treaty does not designate any particular point or end of said island I deemed it right to take a point opposite the center thereof, particularly as said boundary lines would then include part of the clearings of the Indians, on which they then had good standing crops as well as blacksmith shop and houses which they had there built, and ran thence west and intersected westerly boundary line.

I wish to call your attention to some of the difficulties under which this survey was made, viz: The vague and indefinite nature and length of the boundary lines,

as designated by treaty, the country being a perfect wilderness without even Indian trails as a means of transit, being mostly tamarack and cedar swamps, rendering the operation of running the lines exceedingly difficult and tedious, being obliged to use "Burt's solar compass" on the survey; the uncommonly large amount of rainy and cloudy weather (as shown by journal accompanying notes) caused much lost time and was the principal reason of the survey being protracted through so long a period at so great expense; the nature of the country rendered the obtaining of provisions for the party laborious as well as expensive, all provisions having to be packed by the men at times from 12 to 70 miles, and as a pack of 50 pounds carried 12 miles through that country, not on line or trails a good day's work for a good packman, the difficulty of supplying the party can be at once seen.

I think it may not be inappropriate to mention some items of information obtained while making said survey. There are in this section of country three places at which the Indians have made clearings and improvements, to wit, one near Knife Portage, and which the south boundary line in part embraces; there they have a blacksmith shop, houses, and quite an extent of land cleared and under cultivation, though said clearing is mostly on an island referred to by above-named treaty; another small clearing is at "Pine Rapids."

The far more important one to them is, however, at "Perch Lake," situated in the southeast corner of township 49, range 19 west, a lake something over a mile across. There they have some log-houses, and quite an extent of land cleared and under cultivation. This is the only point in this section of country to my knowledge where the Indians, if so disposed, could maintain themselves the year round. At this lake the Indians obtain in abundance field-rice and fish; in its neighborhood they have good hunting, and on the banks good sugar bushes—advantages which, in my opinion, they can not obtain at any point within the boundary lines of their reservation. Said lake is 4 miles south of the boundary of the reservation, and the Indians are very much dissatisfied with the location of said south boundary line; that it is not far enough south, and that the treaty of September 30, 1854, secured to them Perch Lake, and objecting to be moved from the same.

The land forming the reservation is mostly third rate and swampy, with tamarack and cedar timber, what good land there is being, as is generally the case throughout this section of country, composed of small islands, as it were, surrounded with swamp or narrow ridges, and I think the country too even to admit of thorough drainage of the swamps, if from their nature it ever becomes desirable.

I am, sir, very respectfully, your obedient servant,

PETER E. BRADSHAW.
Deputy Surveyor.

CHARLES S. EMERSON, Esq.,
Surveyor-General, St. Paul, Minn.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1858.

SIR: I have received a letter from the Commissioner of the General Land Office of the 10th instant inclosing a copy of the plat and field-notes of the survey of the exterior boundary of the Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, together with a copy of a communication from Peter E. Bradshaw, deputy surveyor, addressed to the surveyor general of Minnesota.

Mr. Bradshaw represents that the boundary of said reserve does not include the principal settlement of the Indians, which with their improvements are located at "Perch Lake" and its vicinity, which lake is some 3 or 4 miles south of the southern boundary of the reservation as established by said survey.

The deputy surveyor states that the Indians are very much dissatisfied with the location of said boundary line and they claim that the treaty secured to them Perch Lake.

I am fully satisfied that it was the understanding of the respective parties who negotiated the treaty that the southern boundary line, as therein described, should have embraced the Indian settlements at Perch Lake, and in consideration of the fact that an error has occurred in the description of the line in question, which, if not corrected, would compel the Indians to abandon the only settlement perhaps where they can acquire a subsistence, I would respectfully recommend that with your concurrence the subject be laid before the President, with a view to such action as may be necessary to withdraw from pre-emption and sale so much of the public lands in

the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure to them their improved settlements, in order that appropriate steps may be taken, with the approbation of the Executive, to settle existing difficulties pertaining to said boundary by subsequent negotiations looking to a change of the lines of the present reserve.

The estimated area of the reservation embraces 125,294 acres, being about 25,000 acres more than was contemplated by the stipulations of the treaty, and therefore I would suggest that the Government, as well as the Indians, would be benefited by extending the southern boundary so as to include the Indian settlements, and by reducing the aggregate area, in order that the reserve may embrace, as nearly as possible, 100,000 acres.

Very respectfully, your obedient servant,

J. W. DENVER,
Commissioner.

Hon. J. THOMPSON,
Secretary of the Interior.

EXHIBIT C.

GENERAL LAND OFFICE, *December* 20, 1858.

SIR: The letter of the Commissioner of Indian Affairs of the 16th November last addressed to you in relation to the survey of the exterior boundaries of Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, recommending to withdraw from pre-emption and sale so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure them the improved settlements, with a view to settle the existing difficulties pertaining to said boundary by subsequent negotiation, looking to a change of the lines of the present reserve, and also your indorsement on back of said letter calling on this office for a report and sketch of the specific tracts which it is desired shall be withheld from pre-emption and sale, is received.

In compliance with your request I herewith inclose the sketch called for by you, which will be found to embrace the following townships: Township 48 north, ranges 17, 18, and 19 west; township 49 north, range 16 west—west of St. Louis River; and township 49 north, ranges 17, 18, and 19 west of the fourth principal meridian.

The letter addressed to you is herewith returned.

I have the honor to be, respectfully, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

Hon. J. THOMPSON,
Secretary of the Interior.

GENERAL LAND OFFICE,
December, 20, 1858.

Thomas A. Hendricks, Commissioner, recommends that townships 48 north, ranges 17, 18, and 19, west; 49 north, range 16 west of St. Louis River, and 49 north, ranges 17, 18, and 19 west of the fourth principal meridian in Minnesota, be withdrawn by the Government from pre-emption and sale for the purposes within specified.

It is recommended that the tracts herein specified be withheld from pre-emption and sale for the purposes specified in the letter of the Commissioner of Indian Affairs, dated November 16, 1858, herewith.

J. THOMPSON,
Secretary of Interior.

Let the tracts specified be withdrawn as requested by the Secretary of the Interior.

JAMES BUCHANAN.

DECEMBER 21, 1858.

DEPARTMENT OF THE INTERIOR, *December* 22, 1858.

SIR: Your report of the 16th ultimo, in regard to certain difficulties respecting the southern boundaries of the Fond du Lac Reservation was received and laid before the President with a recommendation that so much land south of the boundary line as would be required to carry out the suggestion of the report be withdrawn from

pre-emption and sale. This recommendation was approved by the President yesterday, and I have this day issued instructions accordingly to the Commissioner of the General Land Office. The map which accompanied your report is herewith returned.

Very respectfully, your obedient servant,

J. THOMPSON,
Secretary.

Hon. J. W. DENVER,
Commissioner of Indian Affairs.

EXHIBIT D.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 29, 1858.

W. J. CULLEN, Esq.,
Superintendent, etc., St. Paul, Minn.:

SIR: I transmit herewith a copy of a report from this office, made to the Secretary of the Interior on the 16th ultimo, as to the difficulties respecting the southern boundary of the "Fond du Lac Reservation."

From the inclosed copy of the Secretary's letter to this office, dated the 22d instant, you will perceive that the President has approved the recommendation of the Department, that so much of the land south of the boundary line as will embrace the settlement and principal improvements of the Indians in the vicinity of Perch Lake be withheld from pre-emption and sale, with a view to secure to them the possession of the land referred to.

A copy of a letter on the subject from the Commissioner of the General Land Office dated the 10th ultimo, together with a copy of the diagram and report of the deputy surveyor therein referred to, are also herewith transmitted.

You will communicate to Agent Drew the facts of the case and direct him to inform the Indians accordingly.

Very respectfully, your obedient servant,

J. W. DENVER,
Commissioner.

EXHIBIT E.

OFFICE OF THE NORTHERN SUPERINTENDENCY,
St. Paul, January 7, 1860.

SIR: Herewith I transmit the report of Agent Drew in regard to the southern boundary line of the reservation for the Fon du Lac band of the Chippewa Indians made in accordance with the instructions of Hon. J. W. Denver, Commissioner Indian Affairs, under date of the 29th December, 1858.

By the report of Agent Drew, the reservation will embrace as near as practicable the area of 100,000 acres, and the line recommended to be adopted as set forth on the accompanying diagram will be highly satisfactory to the Indians and embrace the Perch Lakes as contemplated by the Commissioner in the letter before referred to.

Respectfully, your obedient servant,

W. J. CULLEN,
Superintendent Indian Affairs.

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs, Washington, D. C.

CHIPPEWA AGENCY OF LAKE SUPERIOR,
Superior, Wis., December 4, 1859.

SIR: On the 15th of January last I had the honor to receive from your office, under date of December 29, the copy of a report from the Commissioner of Indian Affairs to the Secretary of the Interior, touching the settlement of the southern boundary of the Fond du Lac Reserve, and it is recommended in that report that "so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure to them their improved settlements be withdrawn from pre-emption and sale." In order to settle existing difficulties pertaining to said boundary by subsequent negotations looking to a change in the lines of the present boundary, the Commissioner suggests "that the Government as well as the Indians would be benefited by extending the southern boundary, so as to include the Indian

settlement (Perch Lake) and by reducing the aggregate area, in order that the reserve may embrace as nearly as possible 100,000 acres, the quantity stipulated in the treaty 30th September, 1854.

These facts were communicated to me from your office and you directed that I inform the Indians of the decision of the Department and assure them that the lakes and settlements which they claimed should be embraced in their reserve. Your instructions were communicated to the Fond du Lac chiefs in council, at which they were very much gratified. At the same council these chiefs requested that their smith should be located on the southeast corner of their reserve, opposite two beautiful islands in the St. Louis River which they had cultivated as gardens. This was done and improvements commenced. A farm laborer was sent to them with cattle. Houses for the chiefs have been built and occupied, clearing of the land has commenced in earnest, and the Indians themselves labor with a zeal and industry which affords much encouragement in view of future operations. The payment of their annuities on the reserve has greatly increased the confidence and good feeling of these bands. The employés engaged among them are all men of sober habits and earnest in their efforts to benefit the Indians.

At the request of the chiefs and head-men, that portion of their reserve which they have selected for their village, and where three of the chiefs reside, has been surveyed and laid out in 4-acre lots, divided by streets 66 feet wide. A square suitable for Government buildings has been reserved, viz, warehouse, school-house, house for the blacksmith and a good shop for his use, which, by your verbal direction, I promised the chiefs would be erected soon. Mr. Forbes, the surveyor, was also directed by me, in view of your instructions last winter and in accordance with the report of the Commissioner of Indian Affairs, to ascertain the exact location of Perch Lake and to what extent the present lines should be changed in order to embrace it and to give the Indians 100,000 acres as stipulated in the treaty. That duty Mr. Forbes has performed and his report, with the diagrams which I hereby transmit, will afford a proper understanding of the matter.

A line running from the southeast corner of the reservation south 5 miles and 5 chains, thence west 12 miles and 60 chains, thence north 5 miles and 5 chains to the present boundary, thence north to the St. Louis River, will include an area of 100,000 acres, as near as it can be calculated without the field-notes of the meanders of the river.

In view of all the circumstances connected with this matter and the necessity that exists for a final settlement of the same, I take the liberty to earnestly recommend that if the diagram herewith sent be approved by the Department, that instructions be issued for the establishment of a new southern boundary to the reserve on the St. Louis. This will put an end to the fears and suspicions of the Indians and also their incessant applications for a fulfillment of their treaty with the Government in 1854 in relation to this boundary matter.

Respectfully submitted.

C. K. DREW,
Indian Agent, Lake Superior.

W. J. CULLEN, ESQ.,
Superintendant Indian Affairs, St. Paul.

SUPERIOR, WIS., *November* 30, 1859.

SIR: According to your directions, I proceeded with five assistants to the Fond du Lac Indian Reservation for the purpose of subdividing that portion of the southeast corner of the reservation occupied by the Government employés and being the headquarters of the band.

In compliance with the wishes of the Indians we commenced at the mouth of Ridley Creek where it empties into the St. Louis River and run west 7.32 chains; thence south to the south boundary of the reservation.

The area included by these lines and the river is 188 acres, which we subdvided, according to the wishes of the Indians, into square lots of 4 acres each, allowing the fractional lots to fall in the north end and along the river (see accompanying diagram).

The land is gently rolling, with a first-rate sandy loam soil, and well adapted to cultivation.

The timber, in the order in which it predominates, is white birch (large growth), white pine (good quality), sugar tree, and fir undergrowth; hazel brush, sugar, and fir.

Ridley Creek, running through the northwest corner of the tract, is a handsome stream of water, about 25 feet wide and 1 foot deep, with a rocky bed, rapid current, and sloping banks on each side rising to the height of 15 to 25 feet.

About 30 rods from the mouth of the creek is an elegant mill seat, and the stream affords sufficient water to drive an ordinary saw or grist mill the year round.

The fractional lot marked A (see accompanying diagram) contains 4¼ acres, which the Indians are desirous to set apart as the site for the Government warehouse, school-house, and the various public buildings.

There are three comfortable dwelling-houses occupied by the Government employés and the Indian chiefs.

The Indians have made considerable clearings themselves, through your influence and under your directions, and it is particularly gratifying to witness the interest taken by the Government employés in everything that tends to the welfare of the tribe, and if the work goes on in the future, guided by the same zeal and good judgment that has directed it in the past, it will not be long before the Indians of the band will be comfortably located in homes of their own and be sufficiently instructed to provide for and take care of themselves.

In addition to the above work, and in accordance with your directions, we went south and west in order to ascertain the location of Perch Lake. We found that the south side of the lake is 4¼ miles south from the south boundary of the reservation.

The accompanying diagram will show the relative position of the lake to the present boundaries of the reservation, and also the proposed changes in order to include the lake, which may be described as follows:

To start at the present southeast corner of the reservation and run south 5 miles and 5 chains, thence west 12 miles and 60 chains, thence north 5 miles and 5 chains, to the present south boundary of the reservation—which will include an area of 41,280 acres, thence still north to the St. Louis River, thence down the river to the place of beginning; which will give—as near as can be estimated without the field-notes of the meanders of the river—an additional area of 58,800 acres; and taken together, will give a trifle over 100,000 acres, the amount stipulated in the treaty of September, 1854.

The true result will doubtless vary from these figures, but I think they approximate near enough to base operations upon.

Respectfully yours,

S. A. FORBES,
Surveyor.

C. K. DREW, Esq.,
Indian Agent, Superior, Wis.

EXHIBIT F.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 7, 1860.

SIR: I have to acknowledge the receipt of your letter of the 7th of January last, transmitting the report of Agent Drew respecting the southern boundary line of the reserve for the Fond du Lac band of Chippewas, made in accordance with the instructions of this office of the 29th of December last.

In reply I have to state that the extension of the southern boundary line of said reserve, so as to include the country in and around Perch Lake, as marked and indicated by the red lines on the diagram which accompanied Agent Drew's letter, is approved; and you are therefore directed to instruct him to take measures at his earliest convenience to establish the exterior lines of the same; and when completed you will direct him to report to this office a description of said exterior lines, to the end that the same may be incorporated in articles of agreement which will be forwarded, to be concluded with the Fond du Lac band with the view of securing to them the land embracing their improvements in lieu of that designated in the treaty.

Very respectfully,

A. B. GREENWOOD,
Commissioner.

WM. J. CULLEN, Esq.,
Superintendent, etc., St. Paul, Minn.

EXHIBIT G.

OFFICE OF THE NORTHERN SUPERINTENDENT,
St. Paul, December 29, 1860.

SIR: By direction of Superintendent Cullen, now absent, I herewith forward the accompanying letter of Agent Drew, inclosing the field-notes and maps of the survey

of the boundary lines of the reserve on the St. Louis River and the report of the surveyor. By the establishment of the lines of this reserve, as by the report and papers herewith accompanying it, covers an area of 100,121.22 acres.

Very respectfully your obedient servant,

W. R. BOWES,
Clerk to Superintendent.

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs, Washington City.

ST. PAUL, *December* 12, 1860.

SIR: In accordance with instructions from your office, I have caused to be surveyed the Indian reserve on the St. Louis River. The field-notes, diagrams, and report of the surveyor are herewith transmitted.

The reserve now embraces the lakes and improvements desired by the Indians and the area has been reduced to the number of acres required by the treaty of 30th September, 1854. The settlers in township 48 express great satisfaction that the boundary of the reserve has been established leaving them in possession of their pre-emptions.

The report of Mr. Forbes will furnish any additional informantion required by the Department.

Respectfully your obedient servant,

C. K. DREW,
Indian Agent.

Hon. W. J. CULLEN,
Superintendent Indian Affairs.

BAYFIELD, *November* 29, 1860.

SIR: According to a letter of instructions received from your office dated "Office of the Lake Superior Agency, Red Cliff, September 16, 1860," in which I was instructed to "at once repair to the St. Louis Reservation on the St. Louis River in Minnesota and proceed without delay to establish the southern boundary of that reserve," I started on the 27th of September, 1860, with a party of five assistants and arrived on the 3d of October at the place designated in your letter as the starting point of the survey, to wit, "the southeastern corner of said reserve."

Accompanying this you will find the field-notes and triplicate diagrams of the survey, together with a description of each mile of line which forms the boundary of the reserve; also a general description of the country along the St. Louis River.

I will say in this connection that the changes in the boundaries of the reserve have included some of the finest agricultural land in the country.

The land around Perch Lake is a dark sandy loom, easily cultivated and very productive.

The timber, in the order in which it predominates, is sugar tree, birch, lynn, fir, and oak.

Wild rice is gathered in large quantities from this lake, and is found in nearly all of the many lakes with which the Perch Lake section of country abounds.

The Indians have several very handsome clearings around Perch Lake and the others, all of which improvements are now within the reservation.

It was gratifying to us to witness the pleasure with which the Indians received the intelligence that their farms and rice fields had at last been secured to them, and that they might now go on and cultivate their lands and garner their rice without the fear of being molested or driven away by the white man. The beneficial effects of the plans and improvements which your policy has suggested and carried out at the agency on that reserve have extended far beyond the limits and out of sight of the houses you have built and the fields you have cleared there. The influence is felt and exerted in other localities by creating a spirit of emulation to keep pace with their neighbors, and now that they feel secure in their homes their energy will be received with more gratifying results.

A large portion of that part of the old reservation which has been left out by the change is swampy and unfit for cultivation, while most of the new territory included is high, rolling, arable land.

Very respectfully yours,

S. A. FORBES.

C. K. DREW,
Indian Agent, Bayfield, Wis.

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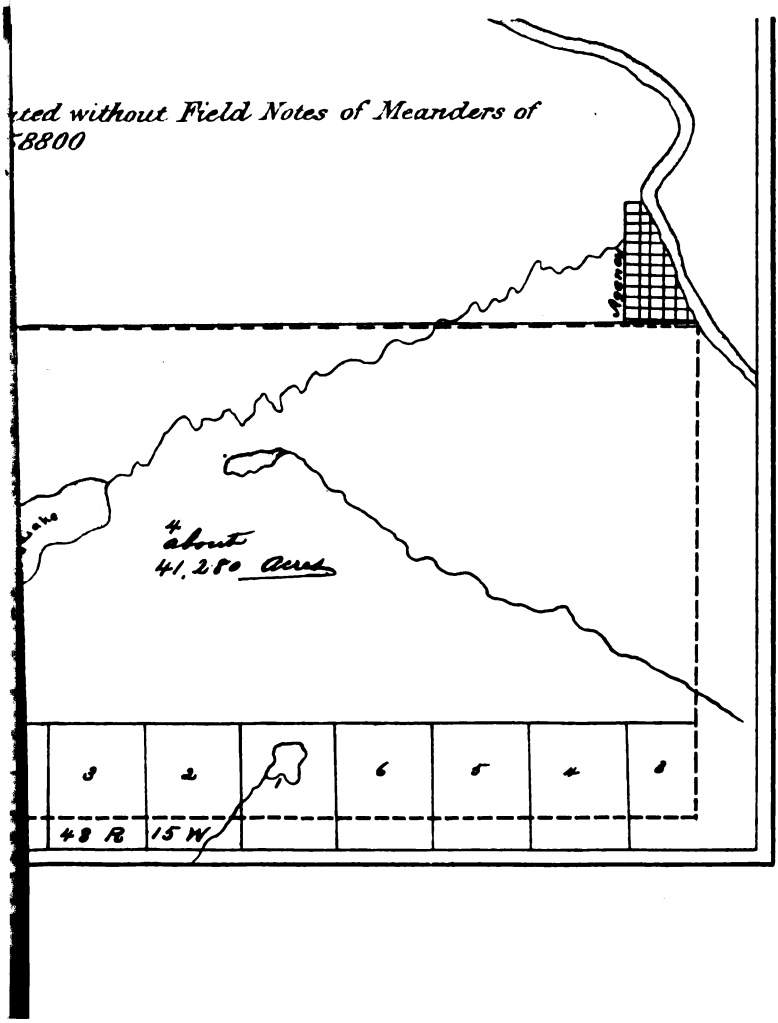

EXHIBIT H.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 11, 1861.

SIR: Your communication of July 18, relative to the withdrawal of certain lands with a view to a change in the bounds of the Fond du Lac Reservation upon the application of this office to the Secretary of the Interior, dated 16th November, 1858, and requesting a diagram and the field-notes of said reservation as finally surveyed, with a view to the decision of the pre-emption claim of Chester Williams to lots 1, 3, 4, 5, and 6, in township 48 north, range 17 west, has been received.

I herewith transmit a copy of said diagram and field-notes as requested, showing the bounds of said reservation as finally established, and have to state that I know of no reason why the lands outside said reservation should be longer withheld from private entry.

Very respectfully your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. J. M. EDMUNDS,
Commissioner of General Land Office.

EXHIBIT I.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 14, 1861.

SIR: I herewith transmit you a copy of the diagram and field-notes of the survey of the Fond du Lac Reservation, on the St. Louis River, as finally surveyed under instructions from the Indian Office, together with a copy of the letter from Charles E. Mix, Acting Commissioner, accompanying the same.

You are directed to lay this reservation down on the diagrams of Minnesota, which will accompany your forthcoming annual report, as well as upon the original map of Minnesota remaining in your office. You will also represent the reservation on the township plats of township 48 north, ranges 17 and 18 west, and transmit certified copies to this office, and the proper register and receiver, in order that the reservation may be respected.

Very respectfully, your obedient servant,

J. M. EDMUNDS,
Commissioner.

W. D. WASHBURN, Esq.,
Surveyor-General, St. Paul, Minn.

EXHIBIT K.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 18, 1861.

GENTLEMEN: Under date of December 27, 1858, this office notified you that the President of the United States, for the purpose of enabling the Indian Office to modify the boundaries of the Fond du Lac Indian Reservation, by treaty of September 30, 1854, with the Chippewas of Lake Superior, had ordered the withdrawal of the following townships from sale or pre-emption, and you were instructed to reserve the same from sale or other disposition until further orders, viz:

Township 48 north, ranges 17, 18, and 19 west of the fourth principal meridian; that part west of the St. Louis River, of township 49 north, range 16 west, and township 48 north, ranges 17, 18, and 19 west.

I have now to inform you that on the 11th instant we received from the Indian Office the diagram and field-notes of the final survey of the Fond du Lac modified reservation, a copy of which was, on the 14th instant, fowarded to the surveyor-general at St. Paul, Minn. (copy of letter herewith), with directions to lay down on the map of Minnesota and on the original township plats in his office, the said final survey, and to furnish you with a certified diagram thereof.

None of the townships which were withdrawn, as aforesaid, have been offered at public sale, and but two of those not wholly included in said modified reservation, viz, 48, north of ranges 17 and 18 wes t have been surveyed.

Upon the receipt of the authenticated diagram representing the modified reservation you will note in the tract and plat books of your office, upon such portions of the above townships which were withdrawn in 1858, as are not included in the modified reservation, the words "released from withdrawal," referring to this letter for your authority.

Those portions of the said withdrawn townships not comprised in the modified reservation will be liable to pre-emption settlement from and after the date of your receipt of said diagram.

Inclosed you will find a notice to the public, which you will sign in your official capacity and cause to be inserted once a week for six successive weeks in the newspaper of the most extensive circulation in the vicinity of those lands, for the publication of which there will be allowed you 75 cents per square for the first insertion and half that sum for each subsequent insertion.

A copy of the notice should accompany the voucher for the payment of the account, and a reference should be made thereon to this letter as the authority for your action.

Please acknowledge the receipt hereof.

Respectfully,

J. M. EDMUNDS,
Commissioner.

REGISTER AND RECEIVER,
Portland, Minn.

CHIPPEWA LANDS.

The public are hereby notified that an authenticated diagram of the modified Fond du Lac Indian Reservation made by the fourth clause of the second article of the treaty of September 30, 1854, with "the Chippewa Indians, of Lake Superior and the Mississippi," was received at this office on the —— day of ——, 1861, townships 48 and 49, north of ranges 17, 18, and 19, and township 49, north of range 16, west of St. Louis River, all west of the fourth principal meridian, were withdrawn from "sale and pre-emption" by order of the President of the United States, communicated to this office by the Commissioner of the General Land Office December 27, 1858.

All the lands so withdrawn not included in said modified reservation, became liable to pre-emption settlement from and after said —— day of ——, 1861.

51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 134.

LETTER

FROM

THE SECRETARY OF WAR,

In response to resolution of May 28, 1890, relative to expediting work on the Records of the Rebellion.

JUNE 2, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 2, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution of May 28, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate, at his earliest convenience, (1) How long, with the present force at his disposal, will it take to complete the compilation, indexing, printing, and binding of the Official Records of the Rebellion; (2) what steps, if any, are in his judgment necessary to be taken to so expedite the work that the entire publication may be completed within three years.

(1) The work comprises, in all, one hundred and twenty volumes. Forty-five of these have been distributed, and eleven are printed and are being indexed, leaving sixty-four to be compiled and printed. With the present force at my disposal it will require six years to complete the work, but with some addition, however, to the annual appropriation for printing and binding.

(2) To complete the work in three years I think that an annual appropriation of $330,000 will be necessary, $250,000 of which will be required to defray the expense of printing and binding, and $80,000 for the services of copyists, compilers, proof-readers, and indexers. Eleven books are now in type, bringing the work down to the end of the year 1863. These books will be printed and distributed so soon as the funds for that purpose are appropriated by Congress.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE SENATE.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 135.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State relative to certain recommendations of the International American Conference.

JUNE 2, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

The International American Conference, recently in session at this capital, recommended for adoption by the several American Republics:

1. A uniform system of customs regulations for the classification and valuation of imported merchandise.
2. A uniform nomenclature for the description of articles of merchandise imported and exported; and
3. The establishment at Washington of an International Bureau of Information.

The Conference also, at its final session, decided to establish in the city of Washington, as a fitting memorial of its meeting, a Latin-American Library, to be formed by contributions from the several nations of historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, and expressed a desire that the Government of the United States should provide a suitable building for the shelter of such a library, to be solemnly dedicated upon the four-hundredth anniversary of the discovery of America.

The importance of these suggestions is fully set forth in the letter of the Secretary of State, and the accompanying documents herewith transmitted, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION,
June 2, 1890.

CUSTOMS REGULATIONS AND BUREAU OF INFORMATION.

DEPARTMENT OF STATE,
Washington, May 14, 1890.

The PRESIDENT:

The act of Congress authorizing the International American Conference, recently in session at this capital, provided that, among other subjects, it should—

consider the establishment of a uniform system of customs regulations in each of the independent American States, to govern the made of importation and exportation of merchandise, and port dues and charges, a uniform method of determining the the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices.

The Conference received from the committee intrusted with this branch of its investigation three reports, all of which were unanimously adopted, and copies are hereto attached. The action of the Conference in this respect is of great importance to all merchants and manufacturers of the United States who have commercial relations with Latin America and are endeavoring to extend their trade, as its recommendations, if adopted by the several Governments, will so simplify the formalities to be observed in the importation and exportation of merchandise that the obstacles heretofore existing will be removed.

This report, which was prepared after repeated consultation with the custom-house officials in New York and representatives of the Treasury Department, will be found in detail and ready for the consideration of Congress.

Another serious difficulty met with in our inter-American commerce has been the lack of uniformity in the nomenclature of articles of merchandise in common use, each country having its local terms and idioms that are obsolete, or at least unfamiliar, to its neighbors. For example, a calico print is known by a different name in nearly every one of the Latin-American States, and the same term used in one market may describe an entirely different article in another. This has been the source of great confusion and annoyance to those engaged in the export trade, and the Conference has proposed as a remedy the compilation and publication of a code of common nomenclature, which shall designate in alphabetical order and equivalent terms, in English, Spanish, and Portuguese, the commodities upon which import duties are levied, to be adopted by all the American nations, and to be used in shipping manifests, consular invoices, entries, clearance petitions, and other official documents.

It is suggested that the preparation of this code be done under the direction of the proposed commercial bureau of the American republics referred to below, that the work be commenced at the earliest date practicable, for which an appropriation by Congress will be necessary.

The third report of the Committee on Customs Regulations, which was prepared by the direction of the Conference, and unanimously adopted, recommends the organization of an association under the title of "The International Union of American Republics, for the prompt collection and distribution of commercial information."

This union is to be represented at Washington, under the supervision of the Secretary of State, by a bureau called "The Commercial Bureau of the American Republics," and its organ is to be a publication entitled "The Bulletin of the Commercial Bureau of the American Republics," to be printed in the English, Spanish, and Portuguese languages,

and to contain, in addition to important information concerning the American republics, the following:

(*a*) The existing customs tariffs of the several countries belonging to the union and all changes of the same as they occur, with such explanations as may be deemed useful.

(*b*) All official regulations which affect the entrance and clearance of vessels and the importation and exportation of merchandise in the ports of the represented countries; also all circulars of instruction to customs officials which relate to customs procedure, or to the classification of merchandise for duty.

(*c*) Ample quotations from commercial and parcel-post treaties between any of the American republics.

(*d*) Important statistics of external commerce and domestic products and other information of special interest to merchants and shippers of the represented countries.

This bureau is at all times to be available as a medium of communication and correspondence for persons applying for information in regard to matters pertaining to the commerce of the American republics, and the Bulletin is to be supplied to the public.

The expense of sustaining the proposed bureau and its publications is to be divided among the several American republics in shares proportionate to their respective populations.

No one familiar with the conditions of our commerce with Latin America will fail to recognize the advantages of such an organization, and if it shall please Congress to approve the project, I suggest the importance of prompt action in making the appropriations required to carry the recommendation of the Conference into effect.

It seems fitting in this connection to refer to the action of the Conference at its final session, concerning the establishment at Washington of a Memorial Library of American Literature.

The foreign delegates, appreciating the importance of the Conference and the significance of the assemblage of representatives of eighteen nations for the purpose of promoting the peace and prosperity of each other, frequently expressed a desire to erect some monument or memorial to permanently commemorate such an unprecedented event. Various propositions were suggested, but this desire finally found formal expression in the following resolution, offered by the Hon. Carlos Martinez Silva, a delegate from the Republic of Colombia:

Resolved, That there be established at such location in the city of Washington as the Government of the United States may designate, to commemorate the meeting of the International American Conference, a Latin-American Memorial Library, to be formed by contributions from all the Governments represented in this Conference, wherein shall be collected all the historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, such library to be solemnly dedicated on the day on which the United States celebrates the Fourth Centennial of the discovery of America.

The Hon. Bolet Peraza, a Delegate from Venezuela, after applauding and supporting Mr. Martinez Silva's resolution, suggested that the library should be named in honor of Columbus, which amendment Mr. Silva accepted.

The resolution was unanimously adopted.

Dr. Martinez Silva, in presenting his resolution, said:

Mr. President, ever since my distinguished colleague, Mr. Mendonça, spoke, at a private gathering, of the appropriateness and expediency of erecting a monument to commemorate the assembling of the International American Conference, the honorable Delegates seem to have been unanimously of the opinion that something of the sort ought to be done. But it has since occurred to me that, among the various em-

barrassments which would be encountered in the attempt to carry out the suggestion, it would be very difficult to select a model which all would accept; and that discussions and delays would arise—discussions and delays which might at last lead to that worst result, that nothing should be done.

With this fear in my mind, and thinking, furthermore, that the memorial to be erected ought to be something at once useful and made up of various elements, to which each Government might contribute independently, it occurred to me that the only plan which would satisfy all these requirements was the establishment in Washington of a memorial library, to which each Government could send on its own account the most complete collection possible of historical, literary, and geographical works, laws, official reports, maps, etc., so that the results of the intellectual and scientific labor in all America might be collected together under a single roof.

That would be a monument more lasting and more noble than any in bronze or marble, because, in the first place, such a memorial would redound to our honor and help to make the Spanish-American nations known; while at the same time it would be very agreeable to the United States to have erected in Washington the library which I propose. It will gradually be enriched and enlarged, day by day, because the several Governments will take care to transmit every new work which may be published in their respective countries, until at last it will become so complete a collection that whoever shall desire to pursue any study concerning America will come to Washington to do it; even from Europe itself students would have to come for any special study concerning these countries. We are so disconnected in America, there are so many difficulties in the way of communication, that it may be said that we do not know each other. It is, for instance, almost impossible in Bogota to procure a book published in the Argentine Republic, and I believe that the same is the case in the Argentine Republic respecting the publications of Bogota. Let us suppose that a person is desirous of writing on America; how could he collect data as correct and complete as the case demands? He would have to go from country to country, spending much money and time to attain his object; but if there be a library such as I propose, then all those dedicating themselves to such research or in need of data can come here and find what they want.

Catalogues of this library would be distributed in all the countries of America and Europe, so that the people of all parts of the world would know what could here be obtained. It would be, moreover, of great usefulness for the permanent Spanish-American Legations in Washington. All of the honorable Delegates may have had occasion to note that great difficulties have presented themselves each time that information or a book respecting our countries is needed here.

It would also be of great value to the Government of the United States, for it would stimulate the study of those nations in this country. So that my idea reduces itself to the establishment, in Washington, in some building or apartment which could be provided by the Government of the United States, of a Portuguese-Spanish-American library, each Government sending a collection, as complete as possible, of geographical charts, historical, statistical, and literary works, etc., enriching this library from year to year with the new publications which may be issued by the American nations. At the outset we might collect here fifteen or twenty thousand volumes, but in the course of twenty years this library will have an importance unrivaled in the world.

I would desire to propose, also, that each Government should send its share of books in time for the library to be publicly dedicated on the anniversary of the discovery of America.

I most cordially indorse all that was said by the honorable Delegate from Colombia with reference to the importance and appropriateness of the proposed memorial, and have full confidence that the sentiments which he uttered, and which were shared by all his colleagues, are heartily reciprocated by the people of the United States.

To receive and protect the proposed collection it will be necessary to provide a safe and suitable building, in a convenient locality, which may also be used for the offices of the proposed bureau of information, and should contain a hall or assembly room for the accommodation of such international bodies as the two conferences that have just adjourned. I respectfully suggest that the authority of Congress be asked to purchase, or erect, a structure of appropriate design and dimensions at a cost not exceeding $250,000.

Respectfully submitted.

JAMES G. BLAINE.

[International American Conference.]

REPORTS OF THE COMMITTEE ON CUSTOMS REGULATIONS.

(As adopted by the Conference.)

I.—Classification and Valuation of Merchandise.

The Committee on "Customs Regulations," appointed by resolution passed at the sitting of the twelfth day, has the honor to submit the following report. The subjects designated for consideration by this committee, as appears in the printed minutes of the Conference, are the following:

A.—Formalities to be observed in the importation and exportation of merchandise.
B.—The classification, examination, and valuation of merchandise.
C.—Methods of imposing fines and penalties for the violation of customs and harbor regulations.

The committee has already made a preliminary report to the Conference, recommending the adoption of a plan for the assistance of importers and exporters by means of an official and uniform nomenclature and classification of merchandise, in alphabetical order, which is intended to furnish equivalents in the English, Spanish, and Portuguese languages.

In continuation of its labors, the committee now presents the following suggestions:

A.—*Importation and exportation of merchandise.*

1. The committee has not been authorized to take into consideration the varying rates of duties imposed upon exports and imports by the countries represented in the Conference, and such recommendations as are made in this report are intended to be applicable alike to the present and the future rates of duty.

2. The committee has given due weight to the fact that each of the countries represented depends upon customs duties as the chief source of national revenue, and that the productiveness and security of this revenue must not be threatened nor impaired under the guise of simplification or improvement of regulations for its collection.

3. It is recognized that each country should regulate and administer its own system of customs revenue, and that differences of race, habit, condition, and environment prevail among the conferring nations. The committee, therefore, proposes nothing that does not take cognizance of these important considerations.

4. The committee realizes that an active and desirable international commerce can be established only by the energy and skill of private enterprise, and can not be created and maintained by the cultivation of mutual sentiments of amity and good will. The true bases of such intercourse can be found only in parallelism of interests and in satisfactory profits derived from the supply of material wants.

5. Convinced that an increased commerce amongst the American republics would be mutually beneficial to the citizens of those republics the committee has considered the customs regulations of the several countries for the purpose of devising means of reducing some of the existing burdens of labor, time, expense, and risk.

6. The committee is gratified to find that, in a general sense, the revenue laws and regulations of the several republics are reasonable and moderate in their provisions; that their administration is, upon the

whole, considerate of the rights and interests of the citizen, and that as a rule those who conduct the international navigation and commerce of the American continent are candid and honest in their relations with the revenue laws.

7. Nevertheless it is apparent that the laws and regulations as well as the administration thereof are, in some respects, susceptible of important improvements, and it is proposed in part to effect these improvements by establishing certain uniform rules and practices, without attempting to regulate minor local details.

8. Commerce is now carried on mainly by the instrumentality of the steamship, the railway, and the telegraph. These agencies have created necessities and conditions which often conflict with administrative arrangements which are preserved only because they are traditional, and which do not accord with modern methods.

9. Excessive formality in administration is a serious evil, for the reason that it introduces expense, risk, and uncertainty in commercial transactions in such degree as to discourage commercial enterprise. It leads to the multiplication of agents in the business of importation, exportation, and transportation, and thereby reduces the legitimate profits and reasonable expectations of merchants and carriers, and increases the expenses of Government.

10. A ship's manifest is a marine document universally required of vessels arriving from foreign ports, as a basis for determining their cargoes and, in the time of war, to furnish the evidence of non-contraband goods. No vessel should be allowed to clear from any customs port before the master has lodged in the custom-house a manifest of his cargo, but consular certification of such manifests should not be required. Vessels belonging to regular lines of steamers which are advertised to sail on schedule time are usually compelled to take in cargo up to the last moment of their departure, and it is therefore impracticable before the hour of sailing to complete the manifest for clearance at the custom-house. The resident agents of such vessels should therefore be allowed to lodge in the custom-house, within twenty-four hours after the sailing of the vessel, such supplementary manifests as may be required to account for the whole cargo.

Before entering a foreign port the master of every vessel should prepare, for surrender to the customs authorities, an inward manifest containing all the facts shown by the outward manifests, together with a list of the passengers and crew and an account of surplus ship stores remaining on board. This manifest should be lodged at the custom-house together with the register and any other documents required by the local regulations, and should be verified by the master's personal declaration before the proper customs officer. The inward manifest may be used in verifying the cargo, but should not be accepted in lieu of an invoice. The committee will present for the consideration of the Conference a proposed international form of manifest and supplementary manifest. On the exportation of merchandise every shipper should be required, under penalty for failure, to lodge at the custom-house a special manifest of the goods sent by him out of the country, containing full particulars respecting the character, quality, value, and destination of the goods, so that the Governments may have authentic data for statistical records and reports. (See Recommendation 1.)

11. Invoices for customs purposes should be made out in the language of either the country of import or of export, and should declare the wholesale market value of the goods at the date of exportation in the market whence imported, and all amounts or quantities should be expressed in

figures only. The value so declared should be accepted, prima facie, as a basis for estimating ad valorem duties. It is recommended that the fee for consular certification throughout republican America be established at the uniform rate of $2.50 for each invoice; but that no fee be required for duplicates of an original invoice, nor in any case where the value does not exceed $100. (Rec. 2.)

12. Entries of imported merchandise should be made out in the language of the country of importation, and should name the vessel and the importer; entries should agree with bills of lading and with invoices in all material particulars, and the bill of lading and invoice should be lodged with the customs authorities at the time of entry. In case any of the packages covered by an invoice should fail to arrive by reason of short shipment, entry should be allowed of the missing packages by means of a properly verified extract or copy of the original invoice. Wherever oaths are now required in customs procedure they should be abolished, because they entail needless hardship and loss of time upon the importer in requiring his personal attendance at the custom-house. The signature of the importer to his declaration for entry should be invested with all the penal responsibilities now attached to his affidavit. (Rec. 3.)

13. Special facilities without the imposition of unnecessary charges should be accorded to goods in transit by railroad or water transportation through one country to another, provided they be kept in bond during such transit and that the transit be made under the supervision of the customs authorities, but without any verification of contents of packages. (Rec. 4.)

14. The hours and regulations for the lading and unlading of vessels should be made as liberal as local circumstances will permit, and special means should be provided for their entrance and clearance before and after the regular hours for business at the custom-house, and on all days when general business is suspended. (Rec. 6.)

15. The abolition of all fees and charges in the customs service is desirable and none should be exacted except such as are fixed and published by due authority; whenever they do exist, they should be limited to the actual cost of the service rendered, and never be imposed for the purpose of raising public revenue. (Rec. 7.)

16. In cases where the rate or amount of duty is doubtful or disputed the importer should be permitted to deposit, under protest, the amount claimed by the customs authorities and to take possession of his goods; his duties should be liquidated, as promptly as practicable, in accordance with the final decision on his protest, and any excess of deposit refunded without abatement. (Rec. 8.)

17. The committee earnestly recommends the adoption, in the principal ports of the countries here represented, of a system of bonded warehouses similar to that which wherever it has been tried has demonstrated its convenience to importers and its advantage to the national revenue. By availing himself of this system the importer can delay the payment of duties until he has effected the sale of the articles imported, or if he prefers to export them, he can do so without payment of duty. To secure this privilege he must store the imported merchandise at his own risk and expense in some designated warehouse which is kept under the special supervision of the collector of customs, and must furnish satisfactory bonds for the payment of the duty or the exportation of the merchandise within a prescribed period. The importer, under this system, may withdraw his goods in lots of one or more packages, or if the merchandise be in bulk, in stated quantities

according to the demands of his business upon paying all duties and costs of labor and storage which have accrued upon the portion withdrawn for consumption.

The government is thus absolutely protected against loss while the importer is relieved from the necessity of forcing his goods upon an unsatisfactory market. (Rec. 9.)

18. Peculiar hardship is suffered by importers in some of the countries from the revision of invoices by the supreme authority at the capital. In case of doubt or controversy, where a deposit of the maximum duty is exacted and the amount is paid under protest, this revision by the central authorities is necessary in the interest of justice, but in all other cases, except where fraud or culpable negligence appears, the merchant, upon paying the assessed duty at the custom-house, should receive his goods exempted from further liability for reclamations which may absorb his apparent profits. (Rec. 15.)

19. Internal duties upon imported commodities which have paid duty at the frontier are intolerable burdens upon and obstructions to international commerce. As soon as the legally assessed import duties are paid, on arrival, the goods become a part of the general stock of commodities and should thereafter be treated in the same manner as domestic products. An increase of import duties at the frontier is preferable to the vexatious system of internal duties. There should be no interior control nor supervision of duty-paid imported goods. A custom-house delivery of goods should entitle them to all the privileges and exemptions accorded to domestic merchandise. (Rec. 15.)

20. In the general interest of the American peoples, it is urged that prompt information be circulated by the governments of the outbreak or prevalence of contagious diseases among cattle or other live-stock, in order that such importations may be subjected to a proper quarantine.

B.—*The classification, examination, and valuation of merchandise.*

21. With regard to the customs examination of merchandise, it need only be said that it should be conducted with as little delay, expense, and damage as possible, and should be limited to a reasonable verification of the statements of the entry and invoice. This suggestion applies as well to examinations conducted for the purpose of verifying the dutiable value of ad valorem merchandise as to examinations for ascertaining weights and quantities for the assessment of specific duty. The committee has interpreted the phrase "valuation of merchandise" as meaning its invoice valuation, and where duties are specific this valuation should be received without question or the necessity of verification, except in case of suspected fraud. (Rec. 10.)

22. Merchandise contained in the baggage of tourists and immigrants, not exceeding a limited amount, should be admitted to entry and payment of duties without bill of lading or invoice, and tools of trade or occupation and other articles brought by passengers in reasonable quantities, for their own personal use and not for sale, should be exempted from duty. (Rec. 11.)

23. Actual samples of merchandise consigned, in reasonable quantities, solely for inspection, or contained in the baggage of bona fide commercial travelers and intended to be used in the prosecution of their business, should, in the interests of commerce, be admitted duty free, under such restrictions as may be deemed necessary. (Rec. 11.)

24. The system of appraisement for ad valorem duties is so intricate and

voluminous in its details, and is so little likely to be practiced *in extenso* by many of the countries represented in the Conference, that the committee has decided not to recommend the consideration of that system.

25. The assessment of duty upon the gross weight of dutiable products seems onerous, but where the rate has been adjusted with due regard to the insignificant value of the taxed materials used for packing any particular class of goods, the duty upon the "gross weight" has the great advantage of certainty and simplicity and avoids troublesome questions about tare and weight. Through carefulness in packing and the use of light, strong coverings, importers can minimize the tax. Whenever "net weight" is required the tares should be regulated, as far as practicable, by schedules officially prepared and published. (Rec., 16.)

26. Merchandise which has been recovered from a wrecked or stranded vessel should be allowed to be entered without invoice at the custom-house by either the salvors or importers for appraisement by the proper authorities, duties to be paid on the appraised value. The importers should also be accorded the privilege of abandoning to the Government merchandise included in any invoice and seriously damaged by sea transportation free of liability for duty, provided such merchandise represents 10 per centum of the total value of the invoice, and whenever goods have been surrendered to the insurance companies the latter should be recognized as rightful owners of the same for all customs purposes. (Rec., 13.)

C.—*Methods of imposing fines and penalties.*

27. Against the imposition of fines and excessive duties there should be granted the right of appeal to some tribunal which would promptly investigate all the facts and take into account the good or bad faith of the importer, as may appear in evidence. The importer should be allowed to appear personally or by representative before such tribunal and the decision should in such cases be made without delay. Clerical errors, minor inaccuracies, and informalities in the entry or invoice or in any customs proceedings which do not affect the amount of collectible duty, should not, in themselves, be deemed sufficient ground for imposing fines and penalties. (Rec., 17.)

28. The committee is deeply impressed with the belief that equity and regularity of administration are in constant danger of infraction whenever officers of customs are allowed to participate in any share of penalties or forfeitures. A pecuniary interest in fines and penalties has a tendency to bias the judgment of the officer and incline him toward undue exactions for his own benefit. The committee therefore recommends to all the countries represented the adoption of laws (where they do not already exist) providing for the deposit in the Government Treasury of all the moneys received by customs officers, and the substitution of a system of rewards for specially meritorious service. (Rec., 17.)

D.—*Additional suggestions.*

29. The committee has been convinced of the advantages to be derived from a periodical compilation, publication, and distribution of official statistics of the navigation and foreign commerce of the countries represented in the Conference. These statistics are often the indispensable bases for legislative enactments affecting international interests. (Rec., 18.)

30. In addition to the adoption of common statistical forms, the committee recommends the establishment of an international bureau for the systematic collection and distribution of useful information relating to the exterior navigation and commerce of the conferring powers, and to the changes in their customs laws and regulations.

The expense of maintaining such a bureau would be inconsiderable and its benefits inestimable. As one example of the practicability and economy of such a bureau, the bureau of universal postal union, conducted by the Government of Switzerland, may be cited. A more cognate instance is to be found in the plan for an international union for the publication of customs tariffs, etc., formulated by the conference held at Brussels in May, 1888, in which most of the commercial nations of the globe were represented, and it is urged that a union be effected between the Republics represented in this Conference, which would insure a prompt and accurate publication, at the common expense, for the common benefit, of important commercial information. To accomplish this purpose the proposed international bureau might with advantage be maintained under the supervision of one of the represented countries and charged with the translation into English, Spanish, and Portuguese, and the publication and distribution of all the American tariffs, and such modifications of the same as may occur in due course. The countries comprised in this Conference should each engage to send to the bureau without delay copies of—

(1) Their representative customs laws, including tariffs corrected to date.
(2) Explanations of the effect of modifications which are made in the original laws.
(3) All circulars of instruction which have been addressed to their respective customs officers concerning the exaction of duties on, and the classification of, merchandise under the tariff laws.
(4) All commercial and parcel post treaties in force or subsequently adopted.
(5) All available statistics relating to external commerce and domestic productions.

The annual expense of maintenance would properly be assessed in due proportion to the amount of the foreign commerce of the countries interested.

A common form adapted to the uniform exhibition of the desired facts will, if desired by the Conference, be prepared and submitted hereafter. (Rec., 18.)

MEASURES RECOMMENDED.

In accordance with the conclusions thus carefully set forth, your committee asks the Conference to recommend to all the countries here represented the adoption of the following measures:

(1) That forms be adopted for outward manifests of vessels, which shall be lodged at the custom-house by masters of vessels at the time of clearance, and for supplementary manifests of steamers belonging to established lines to be made by the resident agents thereof and lodged by them in the custom-house within twenty-four hours after the sailing of the vessels, which manifests shall be used only for the determination of the cargo, etc., and shall not require consular certification.

That every such manifest shall show the name of the vessel and of her master, the ports of departure and destination, a description of her cargo by marks, numbers, and supposed contents of packages, with names of consignees and consignors, but no statement of values.

On the exportation of merchandise each individual shipper shall make and lodge at the custom-house for statistical purposes a special manifest, stating quantities, character, and values of the goods exported by him; and for a failure so to do he shall be subjected to a penalty.

The master of any vessel may, within forty-eight hours after the entrance at the custom-house and before any of the cargo shall have been landed, change her destination and proceed on his voyage. On entering a foreign port the master of every vessel belonging to one of the represented countries shall lodge with the custom authorities an inward manifest, containing all the facts shown by the outward manifest, including a list of the passengers and crew and an account of surplus ship stores remaining on board. This manifest must be verified by the master's personal declaration at the custom-house. It shall not be accepted in lieu of an invoice and no consular certification shall be required. Forms for outward, inward, and shipper's manifests are herewith submitted.

With a view that each government shall have official record of its export trade by rail with adjoining countries, any persons delivering to a railway or other transportation company commodities for export to an adjoining country, shall also deliver a manifest thereof, showing the kind, quantity, and value of such commodities; and this manifest shall be delivered to the customs officer of the exporting country nearest to the borders thereof.

2. For the entry of imported merchandise, invoices shall be made out in the language and currency of either the country of import or of export, or in any currency actually paid for the merchandise. They must declare the contents and value of each package, and state the quantities and the values of the goods in figures and not in words, and the amounts so expressed, with any additions which the importer may make in his entry, shall be accepted at the custom-house as the basis for preliminary estimates of duty.

Wherever consular certification of manifests has heretofore been required the certification of invoices shall be accepted in lieu of the same. The consul's fee for legalization and certification shall be fixed at the uniform rate of $2.50 for each invoice, but no fee shall be required for duplicates of an original invoice, nor for any invoice the value of which does not exceed $100; provided that such invoice shall not have been subdivided for the purpose of reducing its total value.

If, by the reason of delay in the mails or other satisfactory cause, a certified invoice can not be produced, entry shall be allowed on a statement in the form of an invoice, and when the amount exceeds $100 the execution of a bond shall be required for the subsequent production of an invoice duly certified.

In case any of the packages covered by an invoice shall, by reason of short shipment, fail to arrive, entry may subsequently be made of the missing packages by means of a properly verified extract or copy of the original invoice. (Par. 11.)

3. That all imported merchandise shall be entered at the port of arrival on a prescribed form, which shall be a declaration or petition signed by the importer and giving the ship's name, port of departure and date of arrival, the particulars of the packages, including the weight or quantity and the supposed dutiable or free class of contents; also their values expressed in the currency of the invoice and reduced to the currency of the country of importation. The entry must agree in all essentials with the invoice and the bill of lading. That in all proceed-

ings relating to the importation and entry of merchandise the declaration of the importer over his signature shall be received in lieu of his oath, and that any false declaration so signed shall subject him to such penalties as may be provided by the respective countries. (Par. 12.)

4. That every reasonable facility shall be afforded for the unobstructed transit of merchandise through one country to an adjacent country, especially where transportation can be directly affected by railway or water routes and where bonds can be furnished for the delivery of such merchandise, intact, within the jurisdiction of the adjoining country. That in no case shall the contents of such packages be made subject to duty or to examination by custom officers while in transit, or to any onerous requirements and exactions, but they shall be held amenable to such supervision only as shall be incidental to proper safeguards against their unlawful introduction into the markets of the country through which they may be transported. (Par. 13.)

5. That technical defects in the form of any document which has been duly authenticated before the consul of any one of the countries shall not, in that country, be deemed sufficient cause for the imposition of fines or penalties, and that all other manifest clerical errors may be corrected, after entry at the custom-house, without prejudice to the consignee or the owner. (Par. 9.)

6. That every facility shall be granted in the various ports of entry for the entrance and clearance of vessels and the discharge and lading of cargoes; and, on all days when other official business may be suspended, that the custom-house shall be open during some part of each day, for the prompt entrance and clearance of vessels. (Par. 14.)

7. That the scale of duties shall be so arranged as to avoid the necessity of additional fees and charges, and that every country in which they continue to be exacted shall establish and publish a list of all fees and charges which are statutory in its ports, and that such exactions shall be respectively adjusted, so far as it is practicable, to cover the actual cost of the service rendered therefor. (Par. 15.)

8. That in all cases of dispute as to the legal rate or amount of duty, the importer shall be allowed to deposit under protest the maximum duty demanded by the customs authorities and to take possession of his goods; the entry in such cases to be liquidated as promptly as practicable after the final decision is reached, and the excess of duty (if any) refunded to the importer. (Par. 16.)

9. That in the principal ports of the countries here represented, a system shall be adopted as soon as practicable, whereby an importer who desires to place his importation temporarily in the custody of the Government before payment of duty shall be enabled to store it at his own expense and risk, under the supervision of the customs authorities. For this purpose, warehouses shall be provided in which such goods may remain on storage under bond during one or more years, and from which they may be withdrawn at any time by the importer, in quantities of not less than one package, or if in bulk, not less than one ton in weight, upon payment of the duty and charges upon the portion withdrawn for consumption, or, if withdrawn for export, upon payment of the expenses of storage and labor. (Par. 17.)

10. That customs examinations shall be made solely for the verification of the declarations of the invoice and entry, and be conducted with the least possible delay and expense to the importer. Where the duties are specific, the invoice valuation shall be accepted for statistical purposes without verification. (Par. 21.)

11. That actual samples of merchandise of no commercial value sent by foreign dealers, or brought by bona fide commercial travelers, solely for inspection, and personal effects and tools of trade or occupation, brought by passengers for their own use and not for sale, shall be admitted without payment of duty, under such restrictions as may be provided. (Par. 22.)

12. That the countries here represented shall agree to circulate prompt information of the existence, within their respective borders, of contagious disease among cattle and other live-stock, and to establish proper precautions where importations of this character are threatened. (Par. 20.)

13. Merchandise which has been recovered from a wrecked or stranded vessel may be entered without invoice at the custom-house by either the salvors or the importers for appraisement by the proper authorities, and duties shall be paid in accordance with such appraisement. Importers shall also be accorded the privilege of abandoning to the Government, without liability for duty, any damaged merchandise included in any invoice, provided that the portion so abandoned shall amount in value or quantity to ten per centum of the entire invoice, and whenever recovered goods have been surrendered to an insurance company, the latter shall be recognized as the rightful owner of the same for all customs purposes. (Par. 26.)

14. That when importers have paid at the frontier the full amount of import duties assessed, they shall be exempted from all further liability for duties within the limits of the country of importation. (Par. 18, 19.)

15. That where the rate or amount of duties is dependent upon the weight, gross weight shall generally be used, and that in case net weight is required, allowances for tare shall be made according to schedules officially published. (Par. 25.)

16. Against the imposition of fines or excessive duties importers shall be granted the right of appeal to a tribunal by which their good or bad faith, as it may appear from the evidence, will be taken into account; and the decision of said tribunal upon the facts shall be final and shall be made as promptly as practicable, and whenever the good faith of the importer is satisfactorily shown no penalty shall be incurred. Customs officers shall have no participation in any of the customs receipts, but shall deposit them intact, including moneys derived from fines and forfeitures, into the treasuries of their respective governments. (Par. 27, 28.)

17. That the governments here represented shall unite for the establishment of an American international bureau for the collection, tabulation, and publication, in the English, Spanish, and Portuguese languages, of information as to the productions and commerce, and as to the customs laws and regulations of their respective countries; such bureau to be maintained in one of the countries for the common benefit and at the common expense, and to furnish to all the other countries represented, such commercial statistics and other useful information as may be contributed to it by any of the American republics.

That the Committee on Customs be authorized and instructed to furnish to the Conference a plan of organization and a scheme for the practical work of the proposed bureau. (Par. 29, 30.)

18. The acceptance of the foregoing recommendations shall not require any change in the present legislation of the American republics, in case it should contain more liberal provisions than here proposed, as

the purpose of the Conference is not only to adopt uniform rules, but to establish more liberal provisions than are now in force.

J. ALFONSO.
M. ROMERO.
CLÍMACO CALDERÓN.
CHAS. R. FLINT.
SALVADOR DE MENDONÇA.
MANUEL ARAGÓN.
N. BOLET PERAZA.
H. G. DAVIS.

II.—BUREAU OF INFORMATION.

At the meeting of the Conference, held March 29, 1890, the following resolution was adopted:

That the governments here represented shall unite for the establishment of an American International Bureau for the collection, tabulation, and publication, in the English, Spanish, and Portuguese languages, of information as to the productions and commerce and as to the customs laws and regulations of their respective countries; such bureau to be maintained in one of the countries for the common benefit and at the common expense, and to furnish to all the other countries such commercial statistics and other useful information as may be contributed to it by any of the American republics. That the Committee on Customs Regulations be authorized and instructed to furnish to the Conference a plan of organization and a scheme for the practical work of the proposed bureau.

In accordance with said resolution the committee submits the following recommendations:

1. There shall be formed by the countries represented in this Conference an association under the title of "The International Union of American Republics for the prompt collection and distribution of commercial information."

2. The International Union shall be represented by a bureau to be established in the city of Washington, D. C., under the supervision of the Secretary of State of the United States and to be charged with the care of all transactions and publications and with all correspondence pertaining to the International Union.

3. This bureau shall be called "The Commercial Bureau of the American Republics," and its organ shall be a publication to be entitled "Bulletin of the Commercial Bureau of the American Republics."

4. The Bulletin shall be printed in the English, Spanish, and Portuguese languages.

5. The contents of the Bulletin shall consist of—

(*a*) The existing customs tariffs of the several countries belonging to the union and all changes of the same as they occur, with such explanations as may be deemed useful.

(*b*) All official regulations which affect the entrance and clearance of vessels and the importation and exportation of merchandise in the ports of the represented countries; also all circulars of instruction to customs officials which relate to customs procedure or to the classification of merchandise for duty.

(*c*) Ample quotations from commercial and parcel-post treaties between any of the American republics.

(*d*) Important statistics of external commerce and domestic products and other information of special interest to merchants and shippers of the represented countries.

6. In order to enable the commercial bureau to secure the utmost accuracy in the publication of the "bulletin," each country belonging to this

union shall send directly to the bureau, without delay, two copies each of all official documents which may pertain to matters having relation to the objects of the union, including customs tariffs, official circulars, international treaties or agreements, local regulations, and, so far as practical, complete statistics regarding commerce and domestic products and resources.

7. This bureau shall at all times be available as a medium of communication and correspondence for persons applying for reasonable information in regard to matters pertaining to the customs tariffs and regulations and to the commerce and navigation of the American republics.

8. The form and style of the "bulletin" shall be determined by the commercial bureau and each edition shall consist of at least one thousand copies. In order that diplomatic representatives, consular agents, boards of trade, and other preferred persons shall be promptly supplied with the "bulletin," each member of the union may furnish the bureau with addresses to which copies shall be mailed at its expense.

9. Every country belonging to the International Union shall receive its quota of each issue of the "bulletin" and the quota of each country shall be in proportion to its population.

Copies of the "bulletin" may be sold (if there be a surplus) at a price to be fixed by the bureau.

10. While it shall be required that the utmost possible care be taken to insure absolute accuracy in the publications of the bureau, the International Union will assume no pecuniary responsibility on account of errors or inaccuracies which may occur therein. A notice to this effect shall be conspicuously printed upon the first page of every successive issue of the bulletin.

11. The maximum expense to be incurred for establishing the bureau and for its annual maintenance shall be $36,000, and the following is a detailed estimate of its organization, subject to such changes as prove desirable:

One director in charge of bureau, compensation	$5,000
One secretary	3,000
One accountant	2,200
One clerk	1,800
One clerk and type-writer	1,600
One translator (Spanish and English)	2,500
One translator (Spanish and English)	2,000
One translator (Portuguese and English)	2,500
One messenger	800
One porter	600
	22,000

Office expenses.

Rent of apartments, to contain one room for director, one room for secretary, one room for translators, one room for clerks, etc., and one room for library and archives	$3,000
Lights, heat, cleaning, etc	500
	3,500

Publication of bulletin.

Printing, paper, and other expenses	$10,000
Postage, express, and miscellaneous expenses	500
	10 500

12. The Government of the United States, through the Secretary of State, to advance to the International Union a fund of $36,000, or so much of that amount as may be required, for the expenses of the commercial bureau during its first year, and a like sum for each subsequent year of the existence of this union.

13. On the 1st day of July of the year 1891, and of each subsequent year during the continuance of this union, the director of the commercial bureau shall transmit to every government belonging to the union a statement in detail of the expenses incurred for the purposes of the union, not to exceed $36,000, and shall assess upon each of said governments the same proportion of the total outlay as the populations of the respective countries bear to the total populations of all the countries represented in the union, and all the governments so assessed shall promptly remit to the Secretary of State of the United States, in coin or its equivalent, the amounts respectively assessed upon them by the director of the bureau. In computing the population of any of the countries of this union, the director of the bureau shall be authorized to use the latest official statistics in his possession. The first assessment to be made according to the following table:

Table of assessments for commercial bureau.

Countries.	Population.	Tax.	Countries.	Population.	Tax.
Hayti	500,000	$187.50	Honduras	350,000	$131.25
Nicaragua	200,000	75.00	Mexico	10,400,000	3,900.00
Peru	2,600,000	975.00	Bolivia	1,200,000	450.00
Guatemala	1,400,000	525.00	United States	50,150,000	18,806.00
Uruguay	600,000	225.00	Venezuela	2,200,000	825.00
Colombia	3,900,000	1,462.50	Chili	2,500,000	937.50
Argentine	3,900,000	1,462.50	Salvador	650,000	243.75
Costa Rica	200,000	75.00	Ecuador	1,000,000	375.00
Paraguay	250,000	93.75			
Brazil	14,000,000	5,250.00	Total	96,000,000	36,000.00

14. In order to avoid delay in the establishment of the union herein described, the Delegates assembled in this Conference will promptly communicate to their respective governments the plan of organization and of practical work adopted by the Conference, and will ask the said governments to notify the Secretary of State of the United States, through their accredited representatives at this capital or otherwise, of their adhesion or non-adhesion, as the case may be, to the terms proposed.

15. The Secretary of State of the United States is requested to organize and establish the commercial bureau as soon as practicable after a majority of the countries here represented have officially signified their consent to join the International Union.

16. Amendments and modifications of the plans of this union may be made at any time during its continuance by the vote, officially communicated to the Secretary of State of the United States, of a majority of the members of the union.

17. This union shall continue in force during a term of ten years from the date of its organization, and no country becoming a member of the union shall cease to be a member until the end of said period of ten years. Unless twelve months before the expiration of said period a majority of the members of the union shall have given to the Secretary of State of the United States official notice of their wish to terminate

the union at the end of its first period, the union shall continue to be maintained for another period of ten years and thereafter, under the same conditions, for successive periods of ten years each.

JOSÈ ALFONSO.
M. ROMERO.
N. BOLET PERAZA.
SALVADOR DE MENDONÇA.
H. G. DAVIS.
CHAS. R. FLINT.

III.—NOMENCLATURE.

MOTION.

Resolved, That the proper committee of this Conference be requested to examine and report about the convenience and practicability of adopting a common schedule of foreign goods, to be used by the several nations represented in this Conference for the purpose of collecting import duties, making invoices, bills of lading, etc., each country having the exclusive right to fix the amount of duties to be levied on each article, but the schedule of the articles to be common to all.

M. ROMERO,
Delegate from Mexico.

WASHINGTON, *January* 2, 1890.

REPORT.

The Committee on Customs Regulations has considered the resolution presented by Mr. Romero, Delegate from Mexico, with a view to the adoption by the nations represented at this Conference of a common nomenclature which shall designate in equivalent terms, in English, Spanish, and Portuguese, the commodities on which import duties are levied, and also be used in shipping manifests, consular invoices, entries, clearance petitions, and other customs documents, without restricting thereby the right of each nation to maintain the duties levied at present or to change them in any way which may be most convenient to their respective interests.

The committee favors this resolution in the belief that one of the objects for which this Conference has been convened is the assimilation of the customs laws and regulations of the American nations, in order that simplification may facilitate the mercantile operations between them and promote the development of their reciprocal trade. The committee will formulate the nomenclature contemplated in said resolution, if the occupations of the members thereof allow it, and if they are able to obtain the necessary data and expert help therefor, and if unable to do this, will report to the Conference the manner in which, in its opinion, this labor can best be performed.

This is not the only subject with which the committee has had to deal. The committee is carefully considering all the other important and complex matters which the Conference has intrusted to it, and as soon as its labors are finished it will submit them to the enlightened decision of the Conference.

While such results will be presented later, the committee now submits to the Conference the following resolution:

"*Resolved*, That the International American Conference recommends to the Governments represented therein the adoption of a common

nomenclature which shall designate in alphabetical order in equivalent terms, in English, Portuguese, and Spanish, the commodities on which import duties are levied, to be used respectively by all the American nations for the purpose of levying customs imposts which are or may hereafter be established, and also to be used in shipping manifests, consular invoices, entries, clearance petitions, and other customs documents; but not to affect in any manner the right of each nation to levy the import duties now in force, or which may hereafter be established."

J. ALFONSO.
CHARLES R. FLINT.
M. ROMERO.
H. G. DAVIS.
SALVADOR DE MENDONÇA.
CLÍMACO CALDERÓN.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 136.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RESPONSE

To resolution of May 3, 1890, relative to the appropriation for investigation as to the irrigation of arid lands.

JUNE 3, 1890.—Referred to the Committee on Public Lands, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1890.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of May 3, 1890, in the following language:

Whereas the act approved October 2, 1888, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, in appropriating the sum of $100,000 for investigating the extent to which the arid region of the United States may be reclaimed by irrigation, and to enable the Geological Survey to select the sites for reservations and other hydraulic works connected therewith, further provides as follows:

"And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth reserved from sale as the property of the United States, and shall not be subject, after the passage of this act, to entry, settlement, or occupation until further provided by law;"

Resolved, That the Secretary of the Interior be requested to inform the Senate what construction is placed by his Department upon the scope and effect of the reservation from sale and disposal of the arid lands under the provisions of the act above cited, and what instructions or orders, if any, have been issued or made thereunder (whether general or special) with respect to the suspension of the arid lands from entry under the public land laws, or the suspension of entries thereof heretofore made, or affecting the rights of citizens to construct canals and ditches for irrigating purposes on the public domain.

In reply thereto I have to state that the question as to the construction of the statute mentioned in this resolution first arose upon the presentation to the Secretary of resolutions of the constitutional convention that assembled in Idaho Territory, on account of the supposed conflict then about to occur between that Territory and the Territory of Utah as to the use of the waters of Bear River. These resolutions were transmitted through the governor of the Territory, and a copy of which is hereto annexed, and where in this memorial, among other things that were recited, states:

Whereas the Government of the United States has taken steps toward redeeming the arid lands of the West, * * * * and

Whereas, for the purpose of establishing a thorough system of storage reservoirs, canals, and irrigating ditches, engineering parties are making surveys for this purpose; and

Whereas, it is learned that the plans of the Government are threatened to be thwarted by speculators having men to follow up these surveys to make filings on lands, reservoirs, and canal locations:

Resolved, By the Idaho constitutional convention now assembled at the capital of said Territory, having the good of the general public and the good of the people of Idaho with the prosperity of the Territory at heart, do hereby memorialize the Department of the Interior to take such action at once as will remedy the evils which threaten this fair Territory in the manner outlined in this memorial.

Thereupon a response was made by the Secretary, dated August 2, 1889, and directed to the Hon. G. L. Shoup, governor, Boisé City, Idaho, which, after acknowledging the receipt of the resolutions, stated that a full reply to the questions might found in the provisions of the appropriation act of October 2, 1888, which was then and there quoted, and in regard to which the Secretary went on to state:

This is the law of to-day, unreversed, unrepealed, and in full force. You perceive its vast extent and the immense consequences that will follow therefrom in the direction that your resolution points unless there be further action in regard thereto by Congress. It follows necessarily that the speculators, corporations, or other persons referred to in the resolution, are under the effect of this law and unable to obtain the advantages that you say they are seeking. Unless the law is repealed or the President opens the lands to settlement under the homestead laws, the Government must have and will take eventually absolute control of every acre of arid land that may be redeemed by the system of reservoirs, canals, and ditches, as provided in the appropriation act mentioned. The subsequent appropriation act has not affected the above provision.

This, I think, is a full solution of the whole trouble between the Territory of Idaho and Utah, and parties entering upon the lands in either Territory will be subjected to the superior title and further control of the United States.

In consequence of this correspondence, as promised therein and under what was deemed a pressing necessity, a circular was prepared by the Commissioner of the General Land Office, under direction of the Secretary, and distributed to the registers and receivers of United States district land offices, under date of August 5, 1889, in which it was held:

That the object sought to be accomplished by the foregoing provision (being that cited in the resolution of the Senate) is unmistakable. The water sources and the arid lands that may be irrigated by the system of national irrigation are now reserved to be hereafter, when redeemed to agriculture, transferred to the people of the Territories in which they are situated, for homesteads. The act of Congress and common justice require that they should be faithfully preserved for these declared purposes.

The statute provides that all lands which may hereafter be designated or selected by the Geological Survey as sites for reservoirs, ditches, or canals for irrigating purposes, and all lands made susceptible of irrigation by such reservoirs, ditches, or canals, are since the passage of said act absolutely reserved from sale as property of the United States and shall not be subject after the passage of the act to entry, settlement, or occupation until further provided by law, or the President, by proclamation, may open said lands to settlement.

Neither individuals nor corporations have a right to make filings upon any lands thus reserved, nor can they be permitted to obtain control of the lakes and streams that are susceptible of uses for irrigating purposes.

You will, therefore, immediately cancel all filings made since October 2, 1888, on such sites for reservoirs, ditches, or canals for irrigating purposes, and all lands that may be susceptible of irrigation by such reservoirs, ditches, or canals, whether made by individuals or corporations, and you will hereafter receive no filings upon any such lands.

This order you will carry into effect without delay.

A copy is herewith transmitted.

This has been the construction held since, and under it large portions of the public survey have been designated by the Director of the Geological Survey to be set apart for reservoirs, ditches, etc., amounting to many thousand acres.

Upon the receipt of the Senate resolution, and in order that there might be no future misunderstanding as to the validity of the construction by the Secretary, he asked and obtained first the opinion of the

assistant attorney-general assigned to his Department as to the construction to be placed upon the act, which was given, and thereupon the matter was further presented to the Attorney-General of the United States, who has rendered his opinion, and states his conclusions in the following words:

The object of the act is manifest. It was to prevent the entry upon, and the settlement and sale of, all that part of the arid region of the public lands of the United States which could be improved by general systems of irrigation, and all lands which might thereafter be designated or selected by the United States surveys as sites for the reservoirs, ditches, or canals in such systems. Unquestionably, it would seriously interfere with the operation and purpose of the act if the sites necessary for reservoirs in such plan of irrigation could be entered upon by homestead settlers. So, too, it would be obviously unjust if pending the survey made with a view to their segregation for improvement by irrigation, these lands could be entered upon and settled as arid lands of the United States. It was, therefore, the purpose of Congress by this act to suspend all rights of entry upon any lands which would come within the improving operation of the plans of irrigation to be reported by the Director of the Geological Survey under this act. Language could hardly be stronger than are the words of the act in expressing this intention: "All the lands which may hereafter be designated or selected," etc., "are from this time henceforth hereby reserved from sale," etc., "and shall not be subject after the passage of this act to entry," etc., "until further provided by law." There can be no question that if an entry was made upon land which was thereafter designated in a United States survey as a site for a reservoir, or which was by such reservoir made susceptible of irrigation, the entry would be invalid, and the land so entered upon would remain the property of the United States, the reservation thereof dating back to the passage of this act.

The far-reaching effect of this construction can not deprive the words of the act of their ordinary and necessary meaning. The proviso that "the President at any time in his discretion, by proclamation, may open any portion or all of the lands" so reserved, was the legislative mode of modifying and avoiding the far-reaching effect of the act, whenever it should appear to the Executive to have too wide an operation. Entries should not be permitted therefore upon any part of the arid regions which might possibly come within the operation of this act.

Thus it appears that the Attorney-General fully sustains the opinion of the Assistant Attorney-General and the action of the Secretary heretofore had.

Copies of these several opinions are also transmitted.

The Secretary is not called upon to express his views further than upon the construction he has placed upon this act; but he asks the privilege to say that he deems that this matter is one of such magnitude and of such vital interest to the people inhabiting or who may hereafter inhabit these vast regions, that if the Senate and House of Representatives do not as a body fully concur in the purpose of this law they should take the business in hand without delay to so modify it as they may deem the public interests require; as otherwise there may be the greatest losses on the one hand to persons who, ignorant of the law or disregarding the same, settle upon these lands, or upon the other of vast and valuable properties that should be controlled by the Government for reservoirs, ditches, etc.

In this connection I beg leave to refer the Senate to the report recently made by the Committee on Arid Lands and Irrigation, and especially to so much thereof as is set forth in the minority report in relation to this subject, which has been submitted to the Director of the Geological Survey, and I believe meets with his approval.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 24, 1890.

SIR: By a letter of April 21, 1890, you submitted for the consideration of the Attorney-General a letter from the Commissioner of the General Land Office, raising the question: "Whether, under the act of October 2, 1888 (25 Stats., 526), the reservation extends to such tracts as may be actually selected as sites, etc., becoming operative only after such selection, or whether the reservation from disposal extends from the date of the act to the entire expanse of the arid region, as more particularly defined in the communication."

Since your letter of April 21, you have transmitted also the opinion of Mr. Assistant Attorney-General Shields, assigned to your Department, to whom you referred the question. After an examination of the law and of the considerations presented by Mr. Shields in his opinion, I have to say that I fully concur with him in his conclusions and the grounds stated therefor; and that in view of the lucid opinion which he has rendered, it is unnecessary for me to give extended reasons for such concurrence.

The section of the law which presents the question of construction referred by you to this Department is found in the Sundry Civil Appropriation act of 1888, under the appropriations for the United States Geological Survey. The subject is introduced by an appropriation of $100,000, or so much thereof as may be necessary, "for the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation." The Director of the Geological Survey is then required to make a report to Congress on the first Monday in December in each year, showing how the money appropriated has been expended. Then follows the particular language which is the subject for construction:

> And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals, for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law: *Provided*, That the President at any time in his discretion, by proclamation, may open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

The object of the act is manifest. It was to prevent the entry upon and the settlement and sale of all that part of the arid region of the public lands of the United States which could be improved by general system of irrigation, and all lands which might hereafter be designated or selected by the United States surveys as sites for the reservoirs, ditches, or canals in such systems. Unquestionably it would seriously interfere with the operation and purpose of the act if the sites necessary for reservoirs in such plan of irrigation could be entered upon by homestead settlers. So, too, it would be obviously unjust if pending the survey made with a view to their segregation for improvement by irrigation these lands should be entered upon and settled as arid lands of the United States. It was, therefore, the purpose of Congress by this act to suspend all rights of entry upon any lands which would come within the improving operation of the plans of irrigation to be reported by the Director of the Geological Survey under this act. Language

could hardly be stronger than are the words of the act in expressing this intention:

All the lands which may hereafter be designated or selected, etc., are from this time henceforth hereby reserved from sale, etc., and shall not be subject after the passage of this act to entry, etc., until further provided by law.

There can be no question that if an entry was made upon land which was thereafter designated in a United States survey as a site for a reservoir, or which was by such reservoir made susceptible of irrigation, the entry would be invalid, and the land so entered upon would remain the property of the United States, the reservation thereof dating back to the passage of this act.

The far-reaching effect of this construction [illegible]ot deprive the words of the act of their ordinary and necessary meaning. The proviso that "the President at any time in his discretion, by proclamation, may open any portion or all of the lands" so reserved, was the legislative mode of modifying and avoiding the far-reaching effect of the act, whenever it should appear to the Executive to have too wide an operation. Entries should not be permitted, therefore, upon any part of the arid regions which might possibly come within the operation of this act.

All the papers accompanying your request, together with the opinion of Mr. Assistant Attorney-General Shields, are herewith returned.

Very respectfully,

WM. H. TAFT,
Acting Attorney-General.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 2, 1890.

SIR: I have had under consideration the matter of the public lands in what are known as the arid regions, affected by the provisions of the act of Congress of October 2, 1888, 25 Stats., 526, and the departmental circular of August 5, 1889, 9 L. D., 282.

The portion of that act applicable to such lands reads as follows, viz:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey under the direction of the Secretary of the Interior, the sum of one hundred thousand dollars or so much thereof as may be necessary. And the Director of the Geological Survey, under the supervision of the Secretary of the Interior shall make a report to Congress on the first Monday in December of each year showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation. And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals, are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law: *Provided*, That the President at any time in his discretion, by proclamation, may open any portion or all of the lands reserved by this provision to settlement under the homestead laws,

The following is quoted from the circular of August 5, 1889, in reference to the subject, viz:

The object sought to be accomplished by the foregoing provision is unmistakable. The water sources and the arid lands that may be irrigated by the system of national irrigation are now reserved to be hereafter, when redeemed to agriculture, transferred to the people of the Territories in which they are situated for homesteads. The act of Congress and common justice require that they should be faithfully preserved for these declared purposes.

The statute provides that all lands which may hereafter be designated or selected by the Geological Survey as sites for reservoirs, ditches, or canals for irrigating purposes, and all lands made susceptible of irrigation by such reservoirs, ditches, or canals, are since the passage of said act absolutely reserved from sale as property of the United States, and shall not be subject after the passage of the act to entry, settlement, or occupation, until further provided by law, or the President, by proclamation, may open said lands to settlement.

Neither individuals nor corporations have a right to make filings upon any lands thus reserved, nor can they be permitted to obtain control of the lakes and streams that are susceptible of uses for irrigating purposes.

You will, therefore, immediately cancel all filings made since October 2, 1888, on such sites for reservoirs, ditches, or canals for irrigating purposes, and all lands that may be susceptible of irrigation by such reservoirs, ditches, or canals, whether made by individuals or corporations, and you will hereafter receive no filings upon any such lands.

This order you will carry into effect without delay.

The lands affected as aforesaid may be considered as embraced in two classes: First, such as have been actually selected by the proper authority for sites for reservoirs, ditches or canals, for irrigation purposes, and such as may hereafter be selected, in the progress of the surveys; and second, all the lands being in possibility of such selection for sites, or of being made susceptible of irrigation by such reservoirs, ditches, or canals.

With regard to the first class, the act of selection or designation by authority in the progress of the surveys, and the proper promulgation thereof, would determine to what particular tracts the reservation should apply, and there would thereafter be no difficulty for all persons interested, whether as officials or otherwise, to avoid want of conformity in their proceedings, so far as such difficulty might arise from uncertainty in this respect. And it scarcely need be suggested that prior to such selection there can be no certainty in the matter, and that no reservation is possible, under the terms employed in the statute, limited to particular tracts, in the absence of any certainty as to the particular tracts to be affected thereby.

With regard to the second class, two possible views present themselves as to the operation of the statute. First, that the reservation extends to such tracts as may be actually selected as sites becoming operative only after such selection, and such as may be found to be susceptible of irrigation by such reservoirs, ditches, or canals, after the latter are actually made or brought into existence, and as may be selected or designated by proper authority, after this is found to be the case, from time to time, in the progress of the surveys, while as regards all other lands in the arid regions, the laws for the disposal of the public lands generally remain operative, notwithstanding the provisions of the particular statute; or, second, that a reservation from disposal of the entire expanse within the arid regions, embracing some lands that are naturally arable and susceptible of profitable cultivation, or that may be irrigated by individual effort, went into immediate effect as soon as said act was approved, so as to render invalid and subject to cancellation any filings, locations, or entries thereafter allowed as being for the land that might possibly, in the course of time, be selected for

sites for reservoirs, ditches or canals, or that might be rendered susceptible of irrigation, thereby embracing possible appropriations at public sale, agriculture private entries or locations, pre-emption settlements, entries, or locations, homestead settlements or entries, timber and stone entries, timber-culture entries, town-lot entries, town-site entries, scrip locations, mineral entries, desert-land entries, coal-land entries, selections under Congressional grants for school indemnity, or for other purposes; in fine, every description of disposals provided for in the system of land laws in a region of country extending approximately from the 100th degree of longitude on the east, to the Pacific Ocean on the west, and from the British Possessions on the north, to Texas and Mexico on the south, as indicated on a map of the arid regions in the office of the Geological Survey, and including, in whole or in part, the States of California, Colorado, North Dakota, South Dakota, Kansas, Montana, Nebraska, Nevada, Oregon, and Washington, and the Territories of Arizona, Idaho, New Mexico, Utah, and Wyoming.

The practical enforcement of the latter construction of this statute would suspend the operation of the land system of the land laws in general, so far as regards the extent of country mentioned, thereby affecting important interests, or would require, in case any disposals are allowed therein, that it should be at the risk of the parties seeking title, leading to an indefinite suspension of issue of patents, with an accumulation of unsettled claims, and corresponding uncertainty of rights, until it may be determined, in course of time, whether the tracts, title to which is sought to be acquired, are affected by the statute, as sites for reservoirs, ditches, or canals, or as made susceptible of irrigation thereby; until this is determined, applications to enter can not be understandingly acted upon.

Already, in the progress of the business of this office, numbers of entries are found to have been made within the arid regions since October 2, 1888, thus presenting the question of their approval of other treatment as a practical one. I have directed that until further orders no entries be approved for tracts lying within the arid regions where the right had its inception subsequent to the passage of the act of October 2, 1888.

In view of the premises, I have the honor to submit this important matter to the Secretary, as the official head of the Department, exercising directory and supervisory authority over its operations. I respectfully ask directions how I shall proceed therein, with reference to the language used in the circular of August 5, 1889, as above quoted.

I am of opinion that the first view presented above, as to the operation of the statute, should be adopted and acted upon, allowing of disposals subsequently as well as prior to its approval except as it regards tracts actually selected and designated by proper authority, for sites for reservoirs, ditches, or canals, or actually selected and designated by proper authority as susceptible of irrigation from such reservoirs, ditches or canals, and the selection and designation thereof made known in the usual manner for the information and guidance of all concerned.

If this view should not meet the approval of the Secretary, then I am of the opinion that the alternative course would require that the country deemed to be included within the law as arid regions should be indicated by declared limits, and instructions given to the district land officers to cease operations so far as regards disposals within such limits until the conditions, as to liability to disposal, shall be definitely

ascertained, and that some rule should be given for proper proceedings, with reference to entries, filings, or locations found to have been made within the declared limits, after the approval of the act of October 2, 1888, before or subsequent to the promulgation of the departmental circular of August 5, 1889.

I respectfully suggest, in view of the public interests involved, that there should be no unnecessary loss of time in passing upon the points calling for action, as above stated.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1890.

SIR: In accordance with your request I have considered the questions presented by the Commissioner of the General Land Office in his letter of April 2, 1890, asking for instructions as to the proper action to be taken to carry into effect the provisions of the act of Congress of October 2, 1888 (25 Stat. 505–526), relating to the survey and segregation of the arid lands of the United States, and would respectfully submit the following:

Said act after making an appropriation for the purpose of investigating the extent to which the arid region is susceptible of irrigation, and the segregation of the irrigable lands in such arid region and for the selection of sites for reservoirs, further provides as follows:

And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States and shall not be subject, after the passage of this act to entry, settlement, or occupation until further provided by law: *Provided*, That the President, at any time in his discretion, by proclamation, may open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

A brief statement of the history of the legislation under consideration may render assistance in arriving at a conclusion upon the questions now presented.

On February 13, 1888, the following resolution was agreed to by the Senate of the United States:

Resolved, That the Secretary of the Interior be requested to inform the Senate if in his opinion it is desirable to authorize the organization in his Department known as the Geological Survey to segregate lands of the public domain capable of irrigation, in the sections of the United States where irrigation is required, from other lands, and to lay out suitable places to be reserved for reservoirs and rights of way for ditches and canals for the purposes of irrigation. (Record, 1888, Fiftieth Congress, Vol. 19, pt. 2, p. 1137.)

In response to this resolution the Secretary forwarded to the Senate a report of the Director of the Geological Survey, recommending that such action should be taken, and that without delay. (Cong. Record, 1888, Fiftieth Congress, Vol. 19, pt. 3, p. 2636, S. Ex. Doc. 134.)

By joint resolution approved March 20, 1888 (25 Stat., 618), it was resolved—

That the Secretary of the Interior, by means of the Director of the Geological Survey, be, and he is hereby, directed to make an examination of that portion of the arid

regions of the United States where agriculture is carried on by means of irrigation, as to the natural advantages for the storage of water for irrigating purposes, with the practicability of constructing reservoirs, together with the capacity of the streams and the cost of construction and capacity of reservoirs, and such other facts as bear on the question of storage of water for irrigating purposes.

The Senate on March 27, 1888, passed a resolution directing the Secretary of the Interior to report what appropriation was necessary to carry into effect the said joint resolution (Cong. Record, 1888, Vol. 19, pt. 3, p. 2428). In response to this the Secretary recommended an appropriation of $250,000. (*Id.*, p. 4078, S. Ex. Doc. 163.)

When the sundry civil appropriation bill was being considered in the Senate an amendment was made thereto by which there was to be appropriated "for the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation," etc., the sum of $250,000, and it was provided in said amendment "and all lands which may be designated for reservoirs and canals for irrigation shall be reserved as the property of the United States, and shall not be subjected to entry or settlement until hereafter provided for by law." (Cong. Record, 1888, Vol. 19, pt. 8, p. 7012.) This amendment was amended in the House and the bill was finally passed and approved in its present shape.

It is quite clear that it was the intention to withhold from sale and to withdraw from entry, settlement, or occupation all lands needed for the purposes of reservoirs, canals, or ditches, and also all lands that might be irrigated by means of the system of irrigation contemplated, which included all arid lands susceptible of irrigation.

An examination of the Congressional Record shows that this provision of the law was debated at considerable length, and that it was clearly understood it contemplated a withdrawal from the date of the passage of the law of all lands needed for or to be benefited by the scheme of irrigation contemplated. The discussion in the House upon this proposition is found in Part 9, Vol. 19, of the Congressional Record, Fiftieth Congress.

Mr. Cannon, of Illinois, after stating that the first proposition was the appropriation of a sum of money, said:

The next branch, and by far the most important—in fact the important proposition of this amendment—is the reservation now, at the time of the passage of the law, of lands that may hereafter be needed at any time for reservoirs or for irrigating canals, and all lands that may be irrigated by virtue of the establishment of reservoirs hereafter (p. 8506).

On page 8507 the following appears:

Mr. HOLMAN. If the gentleman will allow me to interrupt him, I would like to ask this question: Does the gentleman intend hereby that all lands hereafter, at any time hereafter, that may be found necessary for the sites of the reservoirs, canals, or ditches, or that may be made valuable by irrigation through such sources, shall be reserved from entry, and that entries made hereafter in the interval shall not be operative?

Mr. SYMES. That is the intention of the amendment and its effects as it now stands. I know that the Senate conferrees will agree to the first part of the amendment; that is to say, from now on all lands selected for reservoirs, ditches, or canals shall be absolutely reserved, and that if A, B, or C in the meantime locates upon them that he shall be subject to be dispossessed, if the sites are necessary for such purposes.

It appears the House amendment was formulated by Mr. Symes, of Colorado, and offered by Mr. Breckinridge, of Kentucky.

Mr. Breckinridge, in the course of his remarks on the amendment, said (p. 8513):

I take the liberty of accepting Mr. Stone's explanation of my amendment.

What does this amendment propose? It proposes to appropriate $250,000 to inaugurate and prosecute extensive surveys in what is known as the arid region of the

country, to locate its boundaries accurately, to ascertain where natural reservoirs may be established for the storage of water supplies, to ascertain the extent and location of these desert or arid lands which may be reclaimed or restored to agricultural uses by a system of irrigation, and to suggest the best and most practicable methods of irrigation. It provides also that all the lands that may be utilized and made valuable by irrigation shall, after the passage of this bill, be withdrawn from sale or other disposition until such time as Congress shall provide for disposing of them. That is the sum and substance of the amendment. That is the whole proposition.

Mr. Speaker, so far as I am concerned, and so far as this question is concerned, that is the whole of it.

Afterwards Mr. Symes, on behalf of the friends of the measure, moved to amend the amendment by striking out the words "and all lands made susceptible of irrigation by such reservoirs, ditches, or canals," which amendment was by the House rejected (p. 8515). It was sought to substitute for the House amendment an amendment which provided—

That during the pendency of measures now before Congress affecting the public lands, the entry of lands known and designated as desert lands shall be suspended; but this provision shall not prevent the entry of such lands under the homestead law, except that section 2301 of the Revised Statutes shall not apply to such entries (p. 8542).

This proposition was also defeated and the amendment first offered was adopted.

When the bill was again considered in the Senate, Mr. Teller, in explanation of the House amendment, said:

I should like to say that on an examination of the bill, hastily made, it appears that the House has amended the proposition for reservoirs by striking out $150,000, leaving the appropriation $100,000 instead of $250,000, as the Senate proposed. They have also reserved not simply the reservoirs which we had reserved from occupation, but all the lands that are susceptible of irrigation below.

That has evidently happened because the House could not have understood what the real result would be. That is equivalent to saying in the State of Colorado, if a reservoir should be located on the head of a stream, that all the land below that should be reserved. There are thousands of acres that may still be irrigated by the waters of the stream. It would practically withdraw in Colorado and in some parts of Nevada all of what we call the arid lands, all the lands that have to be irrigated. That part will not do. It will be no benefit to the Western country at all. If you put that in we should be worse off than if we had nothing at all. It would be worse than a disagreement to the Senate amendment.

The Senate disagreed to the amendment proposed by the House, and the bill was referred to the conference committee, where it was finally agreed to, with the addition of the proviso "that the President may, at any time in his discretion, by proclamation, open any portion or all of the lands reserved by this provision to settlement under the homestead laws," and the report of the committee was concurred in both by the Senate and the House (pp. 8809 and 8898).

This act directs the withdrawal of two classes of lands: First, those needed or to be designated for sites for reservoirs, ditches, or canals without regard to their character as arid or non-arid lands; and, second, arid lands made susceptible of irrigation by such reservoirs, ditches, or canals. It is important that no lands other than those embraced in these two classes should be withdrawn from disposition under the general land laws. The difficulty lies in determining what lands are embraced by these two classes. One point, however, seems so clear that there can be no doubt as to the proper course to pursue in relation thereto. The act of March 3, 1877, commonly known as the "desert land law," relates only to the class of lands withdrawn from disposition by the act under consideration, that is arid lands susceptible of irrigation, and it therefore necessarily follows that no entries under the said desert land law could be properly allowed after the passage of the

act under consideration, and hence that from and after October 2, 1888, the operation of the desert land law was suspended and must so remain until further action by Congress. Notice of this should, it seems to me, be promptly given by the Commissioner of the General Land Office, if such action has not already been taken, and steps should be taken for the cancellation of any such entries as may have been made since October 2, 1888.

In the matter of giving notice of the provisions of this law and issuing such instructions as would prevent the allowance of filings or entries on such lands as are thereby reserved, no step seems to have been taken until August 3, 1889, when you addressed a communication to the Commissioner of the General Land Office, inclosing a telegram from the governor of Idaho in regard to said law, with the following directions:

You will communicate without delay the provisions of the statute therein cited to the land officers in all the arid districts for their information and guidance, and with direction that all lands falling within the language of the statute are reserved by force thereof, until opened by the President.

In accordance with these directions the circular of August 5, 1889 (9 L. D. 282), referred to and quoted from in the Commissioner's letter of April 2, 1890, was prepared and promulgated. This circular has, as I am informed, been modified to the extent of allowing filings and entries subject to the provisions of said act.

Any entry or filing and any settlement made within the territory of the arid region after October 2, 1888, is liable to defeat by reason of the lands covered thereby being subsequently selected as sites for reservoirs, ditches or canals, or being rendered susceptible of irrigation by means of such reservoirs, canals or ditches as may be constructed in pursuance of the scheme of irrigation contemplated by said act. In order to relieve the settlers in that great territory of the doubt and uncertainty resulting from this condition of affairs, the work of selecting and designating the particular tracts coming within the provisions of this law, should be prosecuted with all possible diligence. In the meantime, and until this work can be accomplished, the lands contemplated by the act should, both for the accomplishment of the ends aimed at and for the protection of individuals, be designated and pointed out as segregated from the public domain. Whether there is sufficient information in the possession of the Bureau of Geological Survey to make it possible to designate certain portions of the arid region, as subject to said act and certain other portions as not in any event falling within the provisions thereof, I am not in possession of such information as would enable me to express an opinion. It seems to have been thought, while the measure was pending before Congress that such a course would be found feasible. Mr. Oates, in the course of his remarks, made use of the following language:

I see from the testimony of Mr. Powell that the surveys which have been made and are now in progress, while not distinct enough for him to locate and designate all the different catchment basins and to segregate them one from one another, yet they are distinct enough so that the neighborhood in which they lie, and where in all proba bility the reservoirs would be located, can easily be ascertained. The withdrawal of these districts from the market is all that seems to me to be necessary at this time. (Congressional Record, 1888, part 9, page 8481.)

In view of the evidentint ention of this legislation, I can not concur with the Commissioner of the General Land Office in his recommendation of the adoption of the view "that the reservation extends to such tracts as may be actually selected as sites, becoming operative only after

such selection, and such as may be found to be susceptible of irrigation by such reservoirs, ditches, or canals, after the latter are actually made or brought into existence, and as may be selected or designated by proper authority after this is found to be the case, from time to time, in the progress of the surveys; while, as regards all other lands in the arid regions, the laws for the disposal of public lands generally remain operative notwithstanding the provisions of the particular statute," this view, as he says, "allowing of disposals subsequently as well as prior to the approval" of the statute, "except as it regards tracts actually selected and designated by proper authority, for sites for reservoirs, ditches, or canals, or actually selected and designated by proper authority as susceptible of irrigation from such reservoirs," etc.

To adopt this view would, in my opinion, be to defeat the object of the act by allowing available sites and locations for reservoirs to be appropriated by individuals or corporations, to prevent which the reservation was inserted in the law. This view can not, I think, be adopted, although the only alternative would, as said by the Commissioner, "require that the country deemed to be included within the law as arid regions, should be indicated by declared limits, and instructions given to the district land officers to cease operations so far as regards disposals within such limits, until the conditions as to liability to disposal shall be definitely ascertained." This action will not, however, be necessary to the full extent intimated by the Commissioner if the information in the possession of the Geological Survey is sufficient to make it possible to say that certain territories within the larger limits of the arid region are excepted from the operation of this law. No entries, filings, or locations made within the arid regions since October 2, 1888, should be allowed to go to patent, or be perfected until it shall be satisfactorily determined that the lands involved are not within the reservation created by the act under consideration. There seems to be no escape from these conclusions in view of the broad and comprehensive terms of the enactment. Whatever may be the opinion of the officials of the Department as to the expediency of the legislation, it is clearly their duty to comply with the statute, leaving to Congress the remedy by future laws. If, after the withdrawal of these arid lands, it should be found that portions of them were not properly withdrawn or are not within the terms of the act, or for any other reason, the President may at any time in his discretion by proclamation open any portion or all of the lands reserved to settlement under the homestead law.

The letter of the Commissioner of the General Land Office is herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, August 3, 1889.

Hon. G. L. SHOUP,
Governor, Boise City, Idaho:

I have just received the resolution adopted by the constitutional convention, transmitted by you to me through telegram. A full reply to

this question I think is found in the following provision of the appropriation act of October 2, 1888, which reads as follows:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of one hundred thousand dollars, or so much thereof as may be necessary. And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation. And all the lands which may thereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes, and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law. *Provided*, That the President may at any time in his discretion by proclamation open any portion or all of the lands reserved by this provision to settlement under the homestead laws.

This is the law of to-day, unreversed, unrepealed, and in full force. You perceive its vast extent and the immense consequences that will follow therefrom in the direction that your resolution points unless there be further action in regard thereto by Congress. It follows necessarily that the speculators, corporations, or other persons referred to in the resolution are under the effect of this law and unable to obtain the advantages that you say they are seeking. Unless the law is repealed or the President opens the land to settlement under the homestead laws the Government must have and will take eventually absolute control of every acre of arid land that may be redeemed by the system of reservoirs, canals, and ditches as provided in the appropriation act mentioned. The subsequent appropriation act has not affected the above provision.

This, I think, is a full solution of the whole trouble between the Territory of Idaho and Utah, and parties entering upon these lands in either territory will be subjected to the superior title and further control of the United States.

I have directed the Commissioner of the Land Office to notify the local officers of this law and prohibit entries of the kind you specify, and I have also ordered the Superintendent of the Geological Survey to proceed rapidly with the surveys on Bear River. The statute, you observe, reserves these lands from the date thereof, and the Assistant Attorney-General of this Department agrees with me that it is constitutional and effective to the extent expressed. I fully appreciate the conflict of rights that must arise between Territories and States, but these all can and will be better regulated by national control than local conflicts and contradictory legislation.

I fear that the statute to which I have referred is not known in the Western Territories to the extent at least that it ought to be, and I will have your dispatch and this published to-day in full.

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 5, 1889.

GENTLEMEN: Information having reached this Department that parties are endeavoring to make filings on arid lands reserved for reservoirs, irrigating ditches, and canals, and for the purpose of controlling the waters of lakes and rivers and their tributaries in the arid regions, I am directed by Hon. Secretary of the Interior to call your special attention to the act of Congress approved October 2, 1888, U. S. Statutes at Large, vol. 25, page 526, as follows:

"For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and the prevention of floods and overflows, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of one hundred thousand dollars or so much thereof as may be necessary. And the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this appropriation. And all the lands which may hereafter be designated or selected by such United States surveys for sites for reservoirs, ditches, or canals for irrigation purposes and all the lands made susceptible of irrigation by such reservoirs, ditches, or canals are from this time henceforth hereby reserved from sale as the property of the United States, and shall not be subject after the passage of this act to entry, settlement, or occupation until further provided by law: *Provided*, That the President at any time in his discretion, by proclamation, may open any portion or all of the lands reserved by this provision to settlement under the homestead laws."

The object sought to be accomplished by the foregoing provision is unmistakable. The water sources and the arid lands that may be irrigated by the system of national irrigation are now reserved to be hereafter, when redeemed to agriculture, transferred to the people of the Territories in which they are situated for homesteads. The act of Congress and common justice require that they should be faithfully preserved for these declared purposes.

The statute provides that all lands which may hereafter be designated or selected by the Geological Survey as cites for reservoirs, ditches, or canals for irrigating purposes, and all lands made susceptible of irrigation by such reservoirs, ditches, or canals are since the passage of said act absolutely reserved from sale as property of the United States, and shall not be subject after the passage of the act to entry, settlement, or occupation until further provided by law, or the President, by proclamation, may open said lands to settlement.

Neither individuals nor corporations have a right to make filings upon any lands thus reserved, nor can they be permitted to obtain control of the lakes and streams that are susceptible of uses for irrigating purposes.

You will, therefore, immediately cancel all filings made since October 2, 1888, on such sites for reservoirs, ditches, or canals for irrigating purposes, and all lands that may be susceptible of irrigation by such reservoirs, ditches, or canals, whether made by individuals or corporations, and you will hereafter receive no filings upon any such lands.

This order you will carry into effect without delay.

Respectfully,

W. M. STONE,
Acting Commissioner.

REGISTERS and RECEIVERS,
United States Land Offices.

Memorial of the Idaho Constitutional Convention to the Secretary of the Interior, praying that the Government of the United States take steps toward redeeming the arid lands of the West.

Whereas the Government of the United States has taken steps toward redeeming the arid lands of the West; and

Whereas for the purpose of establishing a thorough system of storage reservoirs, canals, and irrigating ditches engineering parties are making surveys for this purpose; and

Whereas it is learned that the plans of the Government are threatened to be

thwarted by speculators having men to follow up these surveys to make filings on lands, reservoirs, and canal locations; and

Whereas it is learned that one corporation is seeking to seize and control Bear Lake, together with large bodies of lands adjoining its shore lines, with the intention of making that lake a great storage basin; and

Whereas the same corporation is seeking to control the waters of Bear Lake, together with all the waters of Bear River, with the tributaries thereof, and gulches, for a distance of about 150 miles in Idaho, with a view of monopolizing all these waters to their own uses, one purpose of which is that they may dispose of a very large portion thereof within the Territory of Utah, greatly to the injury of Idaho, and against the interests of her people: Therefore, be it

Resolved, That it was not contemplated by the Government or the Territory of Idaho that any such monopolizing of the lands and waters of Idaho should be permitted.

Resolved, That steps should be taken at once to prevent such seizures of reservoirs and canal locations and the same be preserved for the people.

Resolved, That Bear Lake should be retained for a public storage reservoir, and the lands immediately adjoining the lake should be withdrawn from market to aid in carrying out such purpose.

Resolved, By the Idaho Constitutional Convention, now assembled at the capital of said Territory, having the good of the general public and the good of the people of Idaho, with prosperity of the Territory at heart, do hereby memorialize the Department of the Interior to take such action at once as will remedy the evils which threaten this fair Territory in the manner outlined in this memorial.

Resolved, That this memorial be spread upon the journal of this convention, and a certified enrolled copy thereof forwarded by the governor to the Secretary of the Interior.

IDAHO TERRITORY CONSTITUTIONAL CONVENTION,
Boise City, Idaho, August 2, 1889.

We hereby certify that the foregoing is a true copy of the memorial as adopted by the Constitutional Convention of Idaho Territory on the second day of August, A. D. 1889.

WM. H. CLAGETT,
President.

Attest:
CHAS. H. REED,
Secretary.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 137.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to Senate resolution of May 14, a communication from the Commissioner of Indian Affairs, which contains a detailed statement as to the facts alleged by the Pillager Indians in relation to the non-fulfillment of the treaty of August 21, 1847.

JUNE 4, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated May 14, 1890, in the following words:

Resolved, That the Secretary of the Interior is hereby directed to examine into and report to the Senate, as soon as practicable, as to the facts alleged by the Pillager bands of the Chippewa Indians, in Minnesota, in which they claim that they were greatly damaged by the non-fulfillment of the treaty made at Leech Lake August 21, 1847, whereby they ceded to the United States over 700,000 acres of land for a nominal sum. The main consideration for said cession was the unfulfilled promise of the occupying of said tract by the Menomonee Indians, who were not only at peace with the Pillagers, but with the Sioux Indians. This occupying of the country between the belligerents was believed would eventuate in peace. (See H. R. Ex. Doc. 247, pages 18 and 125, Fifty-first Congress, first session; also, article 3 of treaty with Pillagers, August 21, 1847, revision of Indian treaties, page 212; article 3, treaty with Menomonees, October 18, 1847, revision of Indian treaties, page 485; article 3, treaty with Menomonees, May 12, 1854, revision of Indian treaties, page 488.)

In response thereto I have the honor to transmit herewith a copy of a communication of 31st ultimo, from the Commissioner of Indian Affairs, to whom the matter was referred, which contains a detailed statement as to the facts alleged by the Pillager Indians in relation to the non-fulfillment of the treaty of August 21, 1847.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 31, 1890.

SIR: I have the honor to acknowledge the receipt by Department reference "for early report," of a resolution of the Senate of the United States of the 14th instant, as follows:

Resolved, That the Secretary of the Interior is hereby directed to examine into and report to the Senate, as soon as practicable, as to the facts alleged by the Pillager bands of the Chippewa Indians, in Minnesota, in which they claim that they were greatly damaged by the non-fulfillment of the treaty made at Leech Lake, August 21, 1847, whereby they ceded to the United States over 700,000 acres of land for a nominal sum. The main consideration for said cession was the unfulfilled promise of the occupancy of said tract by the Menomonee Indians, who were not only at peace with the Pillagers, but with the Sioux Indians. This occupancy of the country between the belligerents was believed would eventuate in peace. (See H. R. Ex. Doc, 247, pages 18 and 125, Fifty-first Congress, first session; also, article 3 of treaty with Pillagers, August 21, 1847, revision of Indian treaties, page 212; article 3, treaty with Menomonees, October 18, 1847, revision of Indian treaties, page 485; article 3, treaty with Menomonees, May 12, 1854, revision of Indian treaties, page 488.)

For a more detailed statement of the facts alleged by the Pillager band, the following is quoted from the report of the Commission, which recently negotiated agreements with the Chippewa Indians, in Minnesota (including the Pillager Band), under authority of the act of January 14, 1889 (25 Stats., 642), and which said report is cited in the Senate resolution, and, it is presumed, gave rise to the inquiries submitted by the Senate.

On the 21st of August, 1847, the Pillager Indians, at Leech Lake, Minnesota, ceded to the United States a tract of land bounded as follows:

Beginning at the south end of Otter Tail Lake; thence southerly on the boundary line between the Sioux and Chippewa Indians to Long Prairie River; thence up said river to Crow Wing River; thence up Crow Wing River to Leaf River; thence up Leaf River to the head of said river; and thence in a direct line to the place of the beginning.

This tract contains nearly 700,000 acres, and was sold to the Government for about $15,000. The Pillagers parted with it, believing, as they were told, that it was for the occupancy of the Menomonee Indians, a tribe at peace with them, as well as with the Sioux. For generations a fierce war had raged between these two last-named tribes. The Pillagers believed that if the friendly Menomonees were between the belligerents peace might follow. By the treaty of October 18, 1848, the United States ceded to the Menomonees the above-described tract in exchange for all their lands in the State of Wisconsin.

The Menomonees, manifesting a great unwillingness to remove west of the Mississippi, by treaty dated May 12, 1854, receded to United States the foregoing tract in exchange for a part of their old home in Wisconsin and the sum of $242,686, for which the Pillagers received less than $15,000. According to Indian reasoning the consideration stipulated was never paid; that is, the occupancy of said tract by the Menomonees, thus protecting them from the incursions of Sioux war parties.

The Pillagers, at the time of the cession, were told by the commissioners that the said tract would be held as Indian lands are usually held, and that their friends, the Menomonees, would occupy it. The commissioners were Isaac A. Verplank and Henry M. Rice. The Pillagers from the time that they heard that the tract was not to be occupied by the Menomonees, as stipulated, have to this day considered that they have been injuriously overreached. They have never ceased to complain of this, and never will until reparation shall be made. We can not too strongly urge that the Government cause this matter to be carefully investigated, and in some way allow the Pillagers what may be found to be in equity due them. Indians are not unreasonable when fairly dealt with, and as they are about starting out as citizens under this act, aid will be of greater benefit now than heretofore, and is more needful now than it can be at any future time.

Also the following from the minutes of the Council proceedings at Leech Lake, the home of the Pillagers, August 12, 1889.

STURGEON MANN. * * * My friend (addressing Mr. Rice), you did not think at the time that you gave us this paper I now hand you, that you should ever be a

commissioner to come among us. It was written nine years ago, for the purpose of aiding the redress of our grievances. Please read this paper, which, I suppose you gave us that in case anything should happen to you, the Pillagers could exhibit this to show how the matter really stood. We wish to keep that as a memento.

The paper handed Mr. Rice read as follows:

ST. PAUL *October* 4, 1880.

The following statement is made at the request of Flat Mouth, chief of the Pillager Indians:

In 1847, when the Pillager Indians, by treaty, sold to the United States the Leaf River country, for a nominal consideration, it was understood that the country ceded had been selected for the future residence of the Menomonee Indians, who were friendly to the Chippewas, and the country would remain Indian Territory. Not only this, but the Menomonees would form a barrier between the Pillager and Sioux Indians, who had for centuries been at war. The old men thought by having the region thus occupied peace would follow; hence their consent to yield to the request of the Government.

They were sadly disappointed, for after the ratification of the treaty other provisions were made for the Menomonees. The Leaf River country was thrown open to settlement, the game driven out, and the Pillagers exposed to all the evils that beset a frontier border. The country ceded contains about 1,000,000 acres; the price paid about 1¼ cents per acre. The sale was positive. The Pillagers have no legal claim to the land, but morally have a claim upon the Government, which claim I hope may at some suitable time be acknowledged by giving to this poor band such aid as will improve its condition.

HENRY M. RICE,
One of the Commissioners.

Mr. RICE. In regard to the land that you loaned your Great Father forty-two years ago, all that you have said is true. It was understood between Flat Mouth and myself that that land was not to be used by the whites, but that it was for the use of the Menomonees. In 1855, when Flat Mouth went to Washington and made the last treaty, the question had not been decided that the Great Father would sell the land to the whites, consequently nothing to prevent it was done. Time passed on and the matter seemed forgotten. As I was the only one living who knew anything about it, and for fear that I might be taken away, that paper which has just been handed to me was given to Flat Mouth. And I believe I am the only white man living whose hand touched the pen to the paper authorizing the cession. The Commissioner who was with me died long ago, and I do not know that there is a witness connected with that paper who is now living. So I am left alone to receive all the blame that attaches to it, but I know that I am in the hands of my friends.

It was not long after Flat Mouth was in Washington that there came a change in the Administration, and then, or soon after, came the great war, when everything else was laid aside, and it has taken nearly all the time since to settle questions that were raised by the war, paying the great debt incurred, taking care of the four million blacks who were thrown upon our hands, of the widows and orphans of the soldiers killed in battle, and of the soldiers who were wounded during the war.

The foregoing will be sufficient to indicate the nature of the claim set up in behalf of the Chippewas.

Examination of the treaties cited in the Senate resolution, and of the records and files of this office, disclose the following facts:

By treaty of August 21, 1847 (9 Stats., p. 908), the Pillager band of Chippewas ceded to the United States a considerable tract of country, in Minnesota, described above and indicated approximately in red upon the map herewith inclosed.

The tract was estimated to contain about 700,000 acres.

It was stipulated in Article III of the treaty "that the country hereby ceded shall be held by United States as Indian land until otherwise ordered by the President."

The consideration agreed upon for this cession was an annuity in goods for five years, as per Article IV, which Mr. Rice, who was one of the Commissioners who negotiated the treaty, estimated at the time would cost the Government, in all, about $11,000.

The object of this purchase appears to have been to secure a home for the Menomonee Indians, of Wisconsin, who, by a treaty subse-

quently made (9 Stats., p. 952), ceded all their lands in said State to the United States, with a view to removing to and settling upon the lands purchased from the Pillagers, and upon such portions of the adjacent lands (secured by a previous treaty with the Chippewas of the Mississippi and Lake Superior, for the Winnebago tribe of Indians) as might not be assigned to the Winnebagoes. See Article II, treaty with the Menomonees (9 Stats, p. 952).

The Winnebagoes had ceded their valuable lands in Iowa and agreed to remove to Minnesota, west of the Mississippi River.

The reason for locating the Winnebagoes upon the Chippewa lands in Minnesota, was that they would be interposed and be the means of preserving peace between the Sioux and the Chippewas, who were hereditary enemies, and engaged in frequent collisions, and between whom there was danger of serious difficulties and bloodshed. This and other considerations led this Department to acquire from the Chippewas a home for the Winnebagoes between the Sioux and the Chippewas, and to also place the Menomonees, who were friendly with the Chippewas, between the hostile tribes, and it was with this object in view that the lands between Long Prairie and Leaf River were purchased for the Menomonee or other Indians who might prefer a northern location. (Annual Report Indian Office for 1847, p. 739.)

As to the price paid to the Pillagers for their cession, it seems to have been about all that the Government thought it worth at that time.

In the instructions to the Commissioners who negotiated the purchase of the lands for the Winnebagoes this office said:

> The lands are now unoccupied and unused by the Chippewas, and therefore comparatively valueless to them; and they are of no importance to the Government except for a home for the Winnebagoes.
>
> Considering the expenses to which the Government is subjected—surveying and disposing of lands purchased of Indians—10 cents per acre has been found to be a full price for those occupied by and valuable to Indians, and which are important for settlement and cultivation by a white population. In this view 5 cents per acre, at most, would, it is believed, have been a large price to offer for these lands. Mr. Rice, as agent for the Winnebagoes (by their own appointment) had offered the Chippewas, on his own responsibility, a little over 9 cents per acre, which proposition the Government refused to accept.

The instructions to the Commissioners went on to say:

* * * * * * *

> There is another portion of country immediately joining that selected for the Winnebagoes, lying between Long Prairie and Leaf River, which it is also desirable to procure from the Chippewas for a home for the Menomonees in Wisconsin, or any other Indians who may hereafter prefer a northern location. It it estimated to contain 658,940 acres. It is of the same general description as that contemplated for the Winnebagoes, and probably of about the same value. (Letter book 39, p. 394.)

This latter tract is the one purchased from the Pillagers, and about which we are now specially concerned. The Commissioners were limited to 8 cents per acre in the amount they might offer to the Indians. The actual cost to the Government for the lands ceded by the Pillagers was $18,000, or five annual installments, in goods, of the value of $3,600 each, which amounted to less than 3 cents per acre,

Nothing was said in the treaty to bind the Government to settle the Menomonees upon the lands purchased. Indeed, the Commissioners were specially directed not to recite the object of the purchase in any treaty they might succeed in making, but I have no doubt, as the late Commissioners Rice, Marty, and Whiting say, the Pillagers were told that their friends the Menomonees would occupy the land. This was the declared object of the Government, and no doubt the Pillagers were so given to understand.

As to the value of the land purchased from the Pillagers, and the price given, I quote the following from the report of General I. A. Verplank, one of the Commissioners who negotiated the purchase:

I send herewith the treaty concluded at Fond du Lac, on the 2d of August last, and a treaty concluded with the Pillagers on the 21st of the same month. The two treaties embrace all the land I was instructed to purchase of the Chippewa Indians lying west of the Mississippi, except a small point on Otter Tail Lake. * * * By making an estimate of the amount to be paid to the Pillagers you will see that the whole tract has been obtained for a less sum than I was authorized to pay.

The lands purchased are the very best lands owned by the Chippewas, and are the lands on which they make the most of their sugar, and on which many of them make their winter hunts.

I have seen the Mississippi from Cass Lake to this place, and I hazard nothing in saying that the land from the Crow Wing to the Watab is the most desirable tract on the river.

The tract purchased, upon all I can learn, contains more acres than is supposed in my instructions.

Also the following from Mr. H. M. Rice, who was also a commissioner on the part of the Government in making said treaty:

The Pillagers were very anxious to receive money instead of goods, but when I saw their poverty I refused to make them an offer in money. The articles that they are now to receive will cost the Government about $11,000, all told, and yet it will be of more service to the Indians than twice that amount in money. They are anxious to unite with the Red Lake, Cass Lake, and Lake Winnipie Indians and dispose of a large tract of their country, that all may receive annuities. A purchase can be made from these Indians for a moderate sum, and they held in check through their annuities. The Pillagers should receive some attention from the Government. They said that they did not receive much for the land sold—that they were numerous and poor and earnestly requested that presents to the amount of $1,000 should be sent them next spring. This they will expect, although it is not promised. They are friendly to the United States, and if a little notice is taken of them they will never give our Government any trouble.

In the annual report of the Superintendent of Indian Affairs for Minnesota, Hon. Alexander Ramsey, for the year 1850, three years after the making of the treaty, says:

The Pillagers own in their own right a tract of country four hundred miles in area, interspersed with innumerable fresh water lakes, which abound in fish. The region has been well suited to their roving modes of life; but as the animals, which are valuable for food or furs have receded, the hunters seek their game upon the lands of the Sioux.

In 1847 they ceded by treaty about 600,000 acres of their best hunting-ground as a home for the Menomonees. For this they annually receive, for five years, a stated amount of goods averaging about $3 per head. The insignificance of this annuity causes ill will among themselves, and dissatisfaction with the Government. They evidently misunderstand the terms of the treaty; and a feeling of distrust, even of hostility, is generating in their breasts towards the United States.

From the foregoing it would seem that the dissatisfaction on the part of the Pillagers began to be manifested before it was known that the Menomonees were not to occupy the lands ceded by them for that purpose. It was not until 1852 that it was finally decided that the Menomonees should remain in Wisconsin.

During that year Congress authorized their removal to a district of country on the Wolf and Oconto Rivers in said State (10 Stats., 47).

By the treaty of 1848 they were permitted to remain on the lands ceded by them in Wisconsin for the period of two years from the date of the treaty, and until they were notified by the President that the ceded lands were wanted by the Government. A delegation of the tribe visited the Chippewa country in 1850, and explored the lands purchased for them from the Pillagers. Previously dissatisfied with the treaty, they were now dissatisfied with the country assigned them, and were unwilling to remove thereto. The President, upon their urgent appeal,

allowed them to remain in Wisconsin two years beyond the period stipulated in the treaty, and finally, as we have seen, it was decided that they should remain in Wisconsin. Thus it was that the intention of the Government was thwarted in regard to placing the Menomonees upon the lands purchased from the Pillagers.

It may have been a great disappointment to the Pillagers, but their first complaint appears to have been on account of the small amount paid to them for the cession, and no doubt their dissatisfaction became greater when, in 1854, the Menomonees ceded dack to the United States the lands purchased for them from the Pillagers (10 Stats., 1064).

It is well known that the Pillagers have always felt aggrieved on account of the bargain they made with the Government in 1847. The Northwest Indian Commission, of which Bishop Whipple, who has been their life-long friend, was a member, referred to the matter in the report of their negotiations with the Pillagers in 1886, as follows:

> The Leech Lake Indians complain that in 1847 they ceded a large tract of land for the settlement thereon of a certain friendly tribe of Indians, in order that they might serve as a protection against the hostile Sioux; that having this object solely in view they sold the land for a nominal sum, about 1¼ cents per acre; that, although the treaty expressly declared the object to be as above stated, no Indians were ever removed to the ceded land, but, under a clause in the treaty, of which they were wholly ignorant, it was opened to white settlement.
>
> Other Indians claim that some of the provisions of the treaty of 1855 and other treaties have never been fulfilled.
>
> We promised the Leech Lake Indians that we would make mention of their grievance in our report and ask the Indian Department to examine into the matter. The Indians think they are entitled to some further remuneration for the lands ceded at the time mentioned.

I am not prepared to say whether the Pillagers are entitled in equity to additional remuneration for the lands ceded by them in 1847 or not. The transaction took place more than forty years ago, and the records of the office do not disclose anything material to the question beyond what is here stated. But if Congress, in its generosity, should see fit to give the Pillagers something to quiet their claim, as set forth in the Senate resolution, it would be alike gratifying to this office and the friends of the Indians, through whom the matter has been called to the attention of the Senate.

I return the Senate resolution and inclose a copy of this report.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 138.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

REQUESTING

An additional appropriation of $75,000 for improving Ellis Island, in New York Harbor, for immigration purposes.

JUNE 4, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., June 3, 1890.

SIR: In connection with that portion of act of Congress approved April 11, 1890 (Public Resolution No. 13), which made an appropriation of $75,000 for improving Ellis Island, in New York Harbor, for immigration purposes, I have the honor to state that after an examination of a survey of the site it has been found that to make provision for dockage and landings, in excess of that which was contemplated, and for improvements upon the island for the business of the immigration service, an additional appropriation of $75,000 will be required, and I have the honor to request that such action as may be necessary to secure said further appropriation during the present session of Congress be taken.

The additional work above referred to will accrue to the advantage of the Government, as it will result in the reclamation of considerable land from the shallows as part of the site for the buildings and other improvements to be erected thereon.

Respectfully yours,

W. WINDOM,
Secretary.

Hon. LEVI P. MORTON,
President of the Senate.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 139.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

Senate bill 1306, *for the erection of a public building in Hudson, N. Y., with his objections thereto.*

JUNE 4, 1890.—Read, laid upon the table, and ordered to be printed.

To the Senate of the United States:

I return without my approval the bill (S. 1306) "For the erection of a public building at Hudson, New York." Hudson, from the best information attainable, is a city of only a little more than 10,000 population. If the postal receipts are a fair indication of the growth of the city, it has not been rapid, as they only increased about $4,000 in ten years. The gross postal receipts for the year 1888 were but $14,809, and the office force consists of three clerks and five carriers. There are no other Government offices at Hudson entitled, under the law, to offices or to an allowance for rent, unless it be a deputy-collector of internal revenue.

It appears from the bill, and the correspondence with the Supervising Architect, that it is proposed to erect a two-story building with fireproof vaults, heating and ventilating apparatus and elevators, forty by eighty feet in dimensions. The ground floor area of 3,200 feet, to be devoted to the post-office, would give four hundred square feet to each of the present employees. The second story and the basement, each having the same area, will be absolutely tenantless, unless authority is given by law to the custodian to rent the rooms to unofficial tenants. It seems to me to be very clear that the public needs do not suggest or justify such an expenditure as is contemplated by this bill.

BENJ. HARRISON.

EXECUTIVE MANSION, *June* 4, 1890.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

AN ACT FOR THE ERECTION OF A PUBLIC BUILDING AT HUDSON, NEW YORK.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation or otherwise, a site, and

cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States Government offices in the city of Hudson and State of New York; the cost of such site and building, complete, not to exceed the sum of seventy-five thousand dollars.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, to be composed of an officer of the Treasury Department and two other persons, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but shall not exceed six dollars per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used or applied when appropriated for the purposes mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building herein provided for shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

THOMAS B. REED,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. MCCOOK,
Secretary.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 140.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RESPONSE TO

Resolution of May 14, 1890, relative to land patents retained in the General Land Office for more than one year after issuing.

JUNE 4, 1890.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1890.

SIR: I have the honor to acknowledge your resolution of May 14, 1890, directing that the Secretary of the Interior inform the Senate as to the number of land patents issued by the Government and which have been retained in the General Land Office for more than one year, whether facilities have been afforded private persons for obtaining the names of persons to whom said patents were issued, and what legislation, if any, is necessary to secure the prompt delivery of said patents to those who are entitled to the same.

In reply thereto I have to transmit herewith the report to the Secretary of the Acting Commissioner of the General Land Office, dated May 29, whereby it appears, among other things, that there are 250,000 undelivered patents on file in that office, as estimated; that it is the practice of the General Land Office to send to each local land office all the patents for lands entered therein as soon as the same are prepared, so that the rightful owners may obtain the same upon surrender of the duplicate receipts issued to them when final payment and proof are made, and that the accumulation in the General Land Office has resulted from the discontinuance of old land offices, the entire records of which were then transferred to the Department, in connection with the further fact that during the war of the rebellion, when business was suspended in all local land offices in the Southern States, no patents issued on entries made in said States prior to 1861 could be sent to such offices, and consequently were retained here.

Besides the 250,000 patents on file in the General Land Office, there are probably 300,000 on file in the various local land offices, awaiting the demand of the owners.

The Commissioner further states the names of several persons who have been afforded facilities to obtain the names of persons to whom such patents were issued, and the reasons therefor, and suggests at length what legislation he deems necessary to secure the prompt delivery of the patents mentioned to those who are entitled to the same, in which recommendations I concur.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 29, 1890.

SIR: I have received by reference from the Assistant Secretary, a copy of a resolution by the United States Senate, dated May 14, 1890, requiring the Secretary of the Interior to inform the Senate of the number of land patents issued by the Government and which have been retained in the General Land Office for more than one year, whether facilities have been afforded private persons for obtaining the names of persons to whom said patents were issued, and what legislation, if any, is necessary to secure the prompt delivery of said patents to those who are entitled to the same, with request for early report, in duplicate, in the matter.

In reply I have the honor to state that the number of undelivered patents on file in this office is estimated to approximate 250,000.

It is the practice of this office to send to each local land office all the patents for lands entered therein, as soon as the same are prepared, so that the rightful owners may obtain the same upon surrender of the duplicate receipts issued to them when final payment and proof was made.

The accumulation of patents in this office resulted from the discontinuance of old land offices, the entire records of which were transferred to this office, and the fact that during the war of the rebellion, when business was suspended in all local land offices in the Southern States, no patents issued on entries made in said States prior to 1861 could be sent to such offices, and consequently were retained here.

Besides the 250,000 patents on file in this office as stated, a very large number, probably exceeding 300,000 are on file in the various local land offices awaiting the demand of the owners; and to furnish an exact statement in response to the resolution correspondence must be had with all the offices.

In response to the inquiry as to whether facilities have been afforded to private persons for obtaining the names of persons to whom said patents were issued, I have to state that while I was Acting Commissioner an application of Mr. H. W. Combs, T. S. Constantine, and T. H. McKee, was made for permission to list the undelivered patents on file in this office, and as agreed upon by conference with the Assistant Secretary of the Interior, and supported by his recommendation as to their character and standing, I authorized the above persons, under the firm name of H. W. Combs & Co., to make such list. A copy of the letter conveying the authority is herewith inclosed, and the work of listing was done by a force of copyists employed by said firm.

Under the privilege accorded, it is believed many of the owners of lands in the various States have procured their patents and perfected titles to their holdings.

With reference to the last inquiry as to what legislation, if any, is necessary to secure the prompt delivery of said patents to those who are entitled to the same, I have to report that while this is purely a matter of personal interest to the persons entering or now holding the lands, as the Government has fulfilled its obligation by the issue of the patent and will promptly deliver the same when called for to their rightful owners, it may be questioned whether any legislation is demanded.

If, however, Congress shall desire to take such action as will bring to the notice of entrymen and present owners the fact that their patents

are still undelivered, the object may be perhaps attained by either of the following plans:

(1) Let correct lists of patents undelivered for more than one year in each local office be published as an advertisement in each county paper in which such lands are situate, for such period as may be determined, but not to exceed four weeks, with request for owners of the lands to apply for the same.

(2) Let correct lists be furnished to the recorder of deeds in each county in which the lands are situate so that he may notify those interested. As such patents should be recorded in the proper registry of deeds, the fact that the emoluments of his office would be increased thereby would probably induce the recorder to bring the matter more directly to the attention of those concerned.

Should the plan for advertising be adopted by formal legislation, it would require an appropriation of about $75,000 to pay for the necessary advertisement.

Should either plan be authorized by law, or a complete list be required by Congress of all unclaimed patents, a temporary increase in the clerical force of this office would be needed for one year of fifteen copyists at a salary of $900 per annum each.

Very respectfully,

W. M. STONE,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., (no date.)

GENTLEMEN: You have the consent of the General Land Office in securing to present owners of lands the patents therefor which have been from various causes retained in this office, instead of being delivered to them or their grantors. From inquiry carefully made I believe your firm to be reputable and responsible, and I regard your enterprise as legitimate and laudable. I recommend your work as at once beneficial to the Government in relieving this office of such a burden, and at the same time rendering to owners of land a great service in the perfection of their titles.

Very truly,

W. M. STONE,
Assistant Commissioner General Land Office.

Messrs H. W. COMBS, T. S. CONSTANTINE, and T. H. MCKEE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 30, 1889.

GENTLEMEN: I have received your letter of November 29, with circulars inclosed asking permission to refer to me as to your character and standing, and it gives me pleasure to say that you have my permission to so refer.

Very truly, yours,

CYRUS BUSSEY,
Assistant Secretary.

Messrs. H. W. COMBS & CO.,
Washington, D. C.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 141.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to resolution of May 26, 1890, a report relative to the use made of the appropriation for the irrigation survey.

JUNE 4, 1890.—Referred to the Select Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1890.

SIR: I have the honor to acknowledge the receipt of a resolution adopted by the Senate on May 26, 1890, in relation to the use made of the appropriations for the irrigation survey. In response thereto I transmit herewith a copy of a communication from the Director of the Geological Survey, to whom the resolution was submitted for report.

For a number of years provision has been made in the appropriation acts for the construction of topographic maps necessary for and as a part of the work of the Geological Survey. In the act of October 2, 1888, and again in the act of March 2, 1889, appropriations were made for the irrigation survey, including the necessary maps.

The statute directs that the expense of making the topographic maps for the geological survey shall be defrayed from the appropriations made for the geological survey, and that the expense of making the topographic maps for the irrigation survey shall be defrayed from the appropriations made for the irrigation survey.

It appears from the report of the Director of the Geological Survey, in my judgment, that the appropriations for the geological survey have not been diverted from their purpose, but have been strictly used as contemplated in the act, and that the appropriations for the irrigation survey have not been diverted from their purpose but strictly used for the irrigation survey as required by law.

All of which is respectfully submitted.

I have the honor to be, yours, respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., May 31, 1890.

SIR: I have the honor to acknowledge the receipt of the following Senate resolution:

IN THE SENATE OF THE UNITED STATES, *May* 26, 1890.

Whereas by the act of October, 1888, an appropriation of $199,000 was made for topographic surveys and $100,000 for investigations and surveys for the purpose of irrigation; and

Whereas by the act of March 2, 1889, an appropriation of $200,000 was made for topographic surveys and $250,000 for irrigation investigations and surveys: Therefore,

Be it resolved, That the Secretary of the Interior be directed to inform the Senate how much, if any, of the money appropriated for irrigation investigation and surveys has been diverted and used for topographic surveys and matters connected therewith; and, if any of such money has been so diverted and used, to inform the Senate by what authority of law where appropriations are made by Congress for several purposes the money appropriated for one purpose can be diverted and used for another purpose for which an appropriation is also made in the same statute.

Attest:

ANSON G. MCCOOK,
Secretary.

On the above resolution is the following indorsement:

DEPARTMENT OF THE INTERIOR, *May* 27, 1890.

Respectfully referred to the director of the Geological Survey for report.

JOHN W. NOBLE, *Secretary.*

In compliance with the above instructions I have the honor to submit the following statement:

The Irrigation Survey was created by an act approved March 20, 1888. On March 27, seven days thereafter, the following resolution passed the Senate:

Resolved, That the Secretary of the Interior is hereby directed to report to the Senate what appropriation is necessary to enable the U. S. Geological Survey to carry into effect the joint resolution "Directing the Secretary of the Interior, by means of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress," approved March 20, 1888, and the several acts of Congress requiring such Geological Survey, under the direction of the Secretary of the Interior, to classify the public lands and furnish a map or maps showing the various divisions of the public domain suitable for agricultural, mineral, and other purposes; and particularly to segregate the lands susceptible of irrigation, where irrigation is required, from other lands, and designating places for reservoirs, canals, and other hydraulic works.

By this resolution the Secretary was directed to make estimates for the irrigation survey, which should include estimates for "a map or maps showing the various divisions of the public domain suitable for agricultural, mineral, and other purposes," etc. In his reply thereto the Secretary transmitted a letter from the Director of the Geological Survey making such estimates and submitting a plan for the survey in explanation of the estimates. (*Vide* Senate Ex. Doc. No. 163, Fiftieth Congress, first session.) From this explanation the following quotation is made:

To determine for a given stream, or for a given group of streams treated collectively, first, the maximum area of farming lands and its most advantageous selection; second, the best selection of sites for reservoirs and their proper size; and third, the best system of headworks and canals, there are three general requisites, as follows:

(*a*) The construction of an accurate topographic map, with grade curves at such intervals as will properly represent the configuration of the ground.

(*b*) The determination of the total annual discharge of water from the catchment basin, or where there are more than one, from each catchment basin, and the distribution through the year of that discharge.

(*c*) An examination of the soils in the area from which, under existing topographic conditions, the selections of lands for irrigation must be made.

In this document a full and plain statement is made of how an irrigation survey should be conducted, and after setting forth the matter the following additional statements are made:

The local work for each irrigation district will consist, first, of the preparation of a topographic map with the necessary detail; and, second, of the examination of physical features in reference to the storage of water and the estimation of cost and capacity of reservoirs at one or more sites; third, of the classification of the soils within the area to which the water may be diverted; and, fourth, of the measurement of the water supply. The most important of these and the one which will involve the greater part of the expense, is the construction of the map; but the measurement of the water should be begun as early as possible for the reason that the observations of at least two years are needed as ground-work for the determining of the extent of irrigable land and the general magnitude of the irrigation system.

* * * * * * *

Impelled by these considerations, I respectfully recommend that an appropriation of $250,000 be made for the first year's work, and would suggest the following clause for the appropriation bill:

"For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of two hundred and fifty thousand dollars."

It will thus be seen that, having explicitly stated that a topographic survey would be necessary in connection with the irrigation survey, estimates were made for its prosecution in these words: "And to make the necessary maps." The plan and estimates were referred to the committee on public lands and ordered to printed. The committee on public lands thereupon reported an amendment to the sundry civil bill, in the terms suggested by the Director, which terms were extracted from the plan submitted by the Director, which plan explained the purpose of the estimate as being to make a topographic survey as a part of the irrigation survey.

The amendment was referred to the Appropriations Committee of the Senate, and the Director of the Survey was summoned before that committee to explain the estimate and the purpose for which it was designed to use the money. To the committee the Director explained that he was already making a topographic map of the entire country, in obedience to the provisions of the law, and that ultimately—after many years at the rate of progress then made—it would be finished, and that an irrigation survey could thereafter be made at small expense, but that if it was necessary to make the irrigation survey at once it would be necessary to make a special topographic survey in connection with it. The following quotations are made from the report submitted by Senator Allison, from the Committee on Appropriations, being a part only of the explanation given. (*Vide* Senate Report No. 1814, Fiftieth Congress, first session.)

By the CHAIRMAN:

Q. Are you through with your general statement?—A. Yes, sir; but I want to speak something about the cost.

Q. That is what we want to hear you upon.—A. To complete the survey as we have been going on, without laying out the reservoirs, without laying out the sites for head works and canals and so on, would take about $5,000,000. We have expended about $1,000,000, so that it would now take about $4,000,000 to complete that work.

By Mr. BECK:

Q. And what length of time?—A. At the rate we have been going on it would take between thirty and forty years.

Q. With ample means how long would it take?—A. It could be done in ten years

Mr. STEWART. Is it necessary to wait until you work up all the geological data in order to make the preliminary survey with a view to reservoirs?

Mr. POWELL. No, sir.

Mr. STEWART. That only refers to the local topography?

Mr. POWELL. To the construction of the maps.

The CHAIRMAN. Major Powell is speaking only of the topographical survey.

Mr. STEWART. No, of the geological.

Mr. POWELL. Not of the geological, but the topographical survey which we are conducting over the country.

Mr. STEWART. Can you not vary your survey so that these reservoirs can be located more rapidly than that?

Mr. POWELL. We can, with the necessary appropriations. We could do it in six years if sufficient appropriations were made.

Mr. STEWART. You could locate the reservoirs in five or six years?

Mr. POWELL. Yes, sir; we could make the maps, outline the catchment basins, and lay out upon the ground the head works, the canals, and the reservoirs in six years, with sufficient appropriations.

Mr. STEWART. Do you not regard that as the most urgent work?

Mr. POWELL. Yes, sir.

Mr. STEWART. Because then settlement can take place, and the geological part of the work could go on afterwards just as well.

Mr. POWELL. Oh, yes. We are pushing the topography very far ahead of the geology all the time.

Mr. STEWART. Then, if you had the requisite appropriations you could locate the reservoirs and make the surveys for settlement in five or six years?

Mr. POWELL. Yes, but it would take about $5,125,000 to do it.

By the CHAIRMAN:

Q. At the rate of about $1,000,000 a year?—A. That is my estimate.

Q. That would complete the topography?—A. It would complete the topography. I have made a second estimate. I have been working the last three days on it.

Q. It would complete the surveys of the basins and districts?—A. Yes, the catchments.

Q. And locate reservoirs, canals, and so on?—A. Yes, sir.

Q. In other words, the additional cost of this contemplated survey would be about $1,250,000 over and above what you are now doing in the way of topography?—A. Precisely.

The CHAIRMAN. It will cost $4,000,000 to complete this area?

Mr. TELLER. Anyhow.

Mr. POWELL. Anyhow, for topography.

Mr. HALE. And it would take thirty years the way they are doing it now.

By the CHAIRMAN:

Q. Of course topography is the first thing?—A. Topography is the first thing.

Q. It is the essential thing?—A. And the chief cost.

Q. If you run this whole area into a six years' term, you must spend over $4,000,000 for topography, and then the remainder of the work can be done for $1,250,000?—A. It could be done for $1,250,000 according to my estimate, and could be done *pari passu* with the other work.

By Mr. HALE:

Q. In round numbers it would cost about $1,000,000 a year?—A. About a million a year; but we could not use a million this year, because the engineers are not trained yet, they would have to grow.

Thus it was that the Senate Committee on Public Lands and the Senate Committee on Appropriations examined the plan of the Director and approved of it, and the Public Lands Committee adopted the language used by the Director in recommending the appropriation, and the clause which he draughted was incorporated in the bill by the Appropriations Committee after its meaning and purpose were fully explained to that committee, and it finally became a part of the statute; and further, the original plan and the explanation of the plan were published for the information of the Congress. It was fully understood that this appropriation of $100,000 was made to be chiefly expended in topographic work as a part of the irrigation survey. The appropriation of $100,000 was made to include all of the work of the irrigation survey, and expressly defined a part of that work as the making of "the neces-

sary maps," and therefore no other appropriation could be used for that purpose.

The terms of the statute and the history of its enactment alike make it clear that the $199,000 appropriated for topographic work in connection with the Geological Survey was not intended for and could not be used for making the necessary maps for the irrigation survey. The appropriation for topographic work for the Geological Survey was expended in making maps for the Geological Survey in various portions of the country, but chiefly in the eastern half of the United States, and, as in previous years, mining regions were selected. The work was done in connection with the Geological Survey and to further its operations.

The expense of making the maps for the irrigation survey was defrayed from the appropriation for the irrigation survey, as the statute directed.

This appropriation for the irrigation survey was made October 2, 1888. On the 30th day of December following, the Director made a report to Congress on this subject, which was printed and referred to the Appropriation Committees of the Senate and House for their information. It is a document of twelve pages. (*Vide* Senate Ex. Doc. No. 43, Fiftieth Congress, second session.) In it the Director reports fully how he has inaugurated the work of the irrigation survey, and how he is using a part of this appropriation of $100,000 for topographic work. The following quotation is made from this report:

The necessary topographic work was placed under the charge of A. H. Thompson. A number of topographers already employed in the Geological Survey were selected as his chief assistants, and the force was largely increased by the employment of temporary field assistants, but no increase of the permanent corps was made. Under the direction of Professor Thompson the following described work has been done:

WORK IN MONTANA.

Work was commenced on the Continental Divide at the headwaters of the Columbia and Missouri Rivers early in October, one party surveying on the Columbia River side and another on the Missouri River side. The whole was under the immediate charge of Mr. E. M. Douglas. An area of 2,200 square miles has been surveyed. The topographic features of this country were delineated, the course of the streams and the sites of all considerable bodies of water were ascertained, and the altitude, position, and general character of irrigable lands were determined. This is a region of abundant perennial streams, and many sites favorable for the establishment of storage reservoirs have been discovered.

In the same manner the report of the Director explains the topographic work done in Nevada, in Colorado, and in New Mexico, each under a separate head.

It will thus be seen that after the Director had thus reported to Congress that an irrigation survey needed a topographic survey, had drafted a clause in such a manner as to authorize and direct that a topographic survey should be included in the irrigation survey, and had appeared before the committee and explained the matter fully, the clause was incorporated in the bill and finally became a part of the act that was signed by the President. Thereupon, in compliance with the law, the topographic branch of the irrigation survey was organized and its work was begun. Then the Director reported to Congress what he had done, and fully and elaborately set forth where and how he was doing this topographic work.

Then the Director made a second estimate for an appropriation for the irrigation survey, in the same terms in which the first appropriation was made, and once more he was called before the Senate committee to explain his estimates. On this occasion he appeared with samples of

his work, a topographic map and plans for reservoirs and canals, and he explained them to the committee, virtually saying, "This is what I am doing with the funds intrusted to my charge." The statement made on this occasion by the Director was recorded by a stenographer and incorporated in a report of the committee to the Senate and printed as a part of that report. (*Vide* Report No. 2613, Fiftieth Congress, second session, submitted by Senator Allison, from the Committee on Appropriations.) From a long statement made by the Director on that occasion the following extract is given:

The CHAIRMAN. Now go back a moment to this map. What will it cost the Government to locate the reservoirs and canals and make the plan for them, which I suppose, in a general way at least, would be done? They would be located absolutely, so that the men who chose to build these dams would know where to go precisely.

Mr. POWELL. Yes, sir.

* * * * * * *

The CHAIRMAN. That is, I take it, an illustration of what you propose to do throughout this entire arid region?

Mr. POWELL. Precisely.

The CHAIRMAN. Having conditions of reservoirs and water?

Mr. POWELL. Yes. You asked me for an estimate of what it would cost. I made the best estimate I could last year for the entire country and you published it, but you put into the law much more than I anticipated would be put into it, so that the cost of the work has been increased above my estimate. I did not anticipate that I should be called upon for plans of reservoirs, but only for putting upon the maps the sites. I did not anticipate that I should select the lands in such a manner that they could be designated to the Land Office. As the law stands, I have to go on the ground and discover the landmarks of the old land survey so as to show what sections are to be reserved, and that has increased the cost of the work. My judgment is that, for the whole region, it will increase the total cost about $1,500,000.

The CHAIRMAN. What we propose?

Mr. POWELL. What you propose.

The CHAIRMAN. And that is a very important thing to do?

Mr. POWELL. It is a very important thing to do.

The CHAIRMAN. In having these men in the field selecting places for storage and so on, do you also find yourself able to utilize them in carrying on in connection with this work your regular geological survey?

Mr. POWELL. So far as the making of the topographic map is concerned. The maps have to be made for this purpose as they would have to be made for the other, and all the map-making for this work is map-making for the other.

The CHAIRMAN. After this work is done would it be necessary to go over the same space in completing your geological surveys?

Mr. POWELL. Yes, sir.

Senator HALE. Which would you naturally go over first?

Mr. POWELL. This work now, because they are pressing for it, and there is no reason why it should not go first.

The CHAIRMAN. I did not know but that the same men might do both.

Mr. POWELL. It must be understood that more than half of the cost is for the map-making, and that is done for both surveys at once.

Senator HALE. There you do not duplicate the work.

Mr. POWELL. There we do not duplicate it. That is more than half the cost of the whole work. The engineers who make these plans are not geologists, and geologists are not engineers. You can not get the same men to do the geological work and the engineering work.

Senator HALE. If a given region that is adaptable to this purpose had been gone over by your geological survey, would not that work really help you in this?

Mr. POWELL. That would have given me the maps and given me data which would have greatly diminished the cost of this work, or doing this work first will greatly diminish the cost of the other. It amounts to the same thing either way.

The CHAIRMAN. That is the point I wanted to understand; whether the work that you are doing here is not a saving of necessary work in your geological survey?

Mr. POWELL. Precisely; it is.

Senator HALE. Either way that you work, whichever was done first would help the other?

Mr. POWELL. Whichever work is done first will help the other. The map-making is the first thing in each case, and the map-making is the chief cost.

After all this explanation, repeated again and again, and exemplified by producing before the committee the maps actually made, a second item was incorporated in the bill in terms identical with the first, except that the amount was $250,000.

The following is a transcript of the statute making appropriations for the geological survey and also for the irrigation survey:

For general expenses of the geological survey: For the geological survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, namely:

For pay of skilled laborers and various temporary employés, fifteen thousand dollars.

For topographic surveys in various portions of the United States, including the pay of temporary employés, in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, two hundred thousand dollars;

For geological surveys in the various portions of the United States, including the pay of temporary employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, one hundred thousand dollars;

For paleontologic researches relating to the geology of the United States, including the pay of temporary employés in the field and in office, the cost of all materials and instruments, and all other necessary expenses connected therewith, forty thousand dollars;

For chemical and physical researches relating to the geology of the United States, including the pay of temporary employés in field and in office, the maintenance of the laboratory, the cost of instruments, apparatus, and materials, and all other necessary expenses connected therewith, seventeen thousand dollars;

For the preparation of the illustrations of the Geological Survey, including the pay of temporary employés, the cost of apparatus, instruments, and materials, and all other necessary expenses connected therewith, sixteen thousand dollars;

For the preparation of the report on the mineral resources of the United States, including the pay of temporary employés and all necessary expenses connected therewith, ten thousand dollars;

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, five thousand dollars; in all four hundred and three thousand dollars;

For engraving the geological maps of the United States, forty-five thousand dollars;

Irrigation survey: For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and the segregation of irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and for ascertaining the cost thereof, and the prevention of floods and overflows, and to make the necessary maps, including the pay of employees in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey under the direction of the Secretary of the Interior, two hundred and fifty thousand dollars, of which sum fifty thousand dollars shall be immediately available; and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this and any future appropriation.

From an examination of the statute quoted above, it will be seen that the appropriation of $200,000 for topographic work was in connection with the Geological Survey for the geologic maps, and that money has been expended in making the maps necessary for that survey in various mining regions scattered throughout the United States.

It will also be seen that the irrigation survey is clearly distinguished from the geological survey in the statute itself. The expense of the maps necessary for the irrigation survey was defrayed from the appropriation made for the irrigation survey, as the statue directed.

In both years the statutes clearly distinguished between operations of the Geological Survey and the operations of the irrigation survey, and distinct appropriations were made for each. In both years the appropriations made for the Geological Survey were used for the purposes of the Geological Survey. In both years the appropriations made for the irrigation survey were used exclusively for the irrigation survey. Thus the Director has strictly complied with the provisions of both statutes.

The plans for the first year, submitted to the Secretary of the Interior, Mr. Vilas, after the statute was enacted, were approved by him; the plans for the second year, submitted to the Secretary of the Interior, Mr. Noble, were approved by him, and each of these plans included topographic work for the irrigation survey. The accounts for the expenditure of the funds for the first appropriation of $100,000 have been approved by the Secretary of the Interior and settled by the Treasury Department. All of the accounts that have yet been rendered for the irrigation survey for the second (the current) year, constituting the greater part of them, have also been approved by the Secretary of the Interior and settled by the Treasury Department.

From the above statement it is made plain that no portion of either of the appropriations for the irrigation survey has been diverted from its legitimate purpose.

I am, with great respect, your obedient servant,

J. W. POWELL,
Director.

The SECRETARY OF THE INTERIOR.

51ST CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 142.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to Senate resolution of May 19, a copy of the report of the Commissioner of the General Land Office, dated the 23d ultimo, and of the letter referred to therein relating to land selections in Florida.

JUNE 5, 1890.—Laid upon the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1890.

The PRESIDENT OF THE SENATE:

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate dated May 19, 1890, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to communicate to the Senate the reply of the Commissioner of Public Lands to the letter of the governor of Florida relating to swamp and overflowed land selections in that State, and such other information as may be on the files of the office of the Commissioner of Public Lands relating to the letter of the Commissioner as may be necessary in his judgment.

In response to the resolution I inclose herewith a copy of the report of the Commissioner of the General Land Office, dated the 23d ultimo, and of the letter referred to therein.

Very respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 23, 1890.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 20th instant, of a resolution of the Senate of the United States, dated May 19, 1890, requesting the Secretary of the Interior to communicate to the Senate the reply of the Commissioner of Public Lands to the letter of the governor of Florida relating to swamp and overflowed land selections in that State, and such other information as may be on the files of the office of the Commissioner of Public Lands relating to the letter of the Commissioner as may be necessary in his judgment.

In obedience to your instructions I have the honor to report that the reply of the Commissioner to the governor of Florida, referred to in the resolution, is in the form of a letter from Hon. W. M. Stone, Assistant Commissioner, to the honorable Secretary of the Interior, dated May 9, 1890, which was duly transmitted to your office, and that two copies of the said letter were transmitted to you on the 22d instant, as inclosures to my report of that date, on the letter of Hon. P. B. Plumb, chairman of the Senate Committee on Public Lands, which asked for information similar to that now requested by the resolution of the Senate.

There is no other information on the files of this office necessary, in my judgment, to be communicated relative to the letter in reply to the governor of Florida.

The resolution of the Senate is herewith returned.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 9, 1890.

SIR: In answer to your letter of January 25, 1890, referring to this office a communication from the governor and other State officers of Florida, as "trustees of the internal improvement fund" of that State, complaining of alleged inaccuracies in the report of the General Land Office for the last fiscal year, prepared and submitted by me as Acting Commissioner, having been referred to me by Commissioner Groff, I have the honor to submit for your consideration the following:

The particular grounds of complaint presented in the communication of the said trustees is contained in the following extract from the annual report:

In the report for 1888 (see p. 45) special mention was made of the frauds that had been perpetrated in regard to claims of Florida under the swamp grant. There can be no doubt that large quantities of land, amounting to millions of acres, have been patented to this State erroneously as being swamp when in fact they were and are good agricultural lands.

It would seem before action is taken for the approval of current claims by this State, the lands claimed should be carefully scrutinized and examined by reliable agents of the Government in the field, and that some action should be provided for by Congress to recover for the public domain the lands fraudulently obtained before any more lands are patented under these grants. The total area of Florida is 37,931,520 acres, while the lists already filed from that State amount to 22,221,469 acres, of which amount 16,061,129.98 acres have been patented. Only 711.59 acres were patented to Florida during the past year. I call attention to the fact that no lists have yet been filed for lands in that part of the State most notoriously swampy in character, viz in the extreme southern part of the peninsula, in the vicinity of the Everglades.

It is probable, therefore, that in the future several million acres more will be claimed of lands that may be more genuinely swampy than the bulk of those previously claimed.

It thus appears that fully two-thirds of the public lands in the State have been or will be claimed as swamp, a claim which I am not prepared to admit by any means.

Commenting upon the foregoing extract from the annual report, and as embodying the gravamen of their complaints, the Florida officials say:

It is difficult to understand how a high official of the Government, with the records of his office accessible to him, could make the statement so at variance with the facts

that no lists have yet been filed for lands in that part of the State most notoriously swampy in character, viz, the Everglades.

The facts are that long anterior to the date of such report, lists embracing the whole of the Everglades, and the vast area of swamp and overflowed lands contiguous thereto, and within what is known as the Ockeechobee drainage system (the submerged lands contracted to be drained by the Atlantic and Gulf Coast Canal and Ockeechobee Land Company) had been filed in the General Land Office. The lands embraced within this list 58, which is the list of 1,962,080 acres referred to by Acting Commissioner, are within the above territory. That these facts may readily appear by a glance at the map, we have caused to be marked upon a map showing the Everglade region of this State, and the Ockeechobee drainage system on each township therein, the number of the list which contains the unpatented selections within the respective townships, in red figures.

We have also prepared, and transmit herewith, lists of the selections therein patented and unpatented, giving the township and range and areas; the first designated as List A, being the patented lands, amounting to 4,818,465 acres, and the second designated as List B, being the unpatented selections, estimated at 4,498,950 acres.

Thus it will appear that 9,317,415 acres have been selected within the Everglade region, and the notoriously overflowed lands embraced in the drainage system contiguous thereto, not going further north than township 25 south.

In his charge of fraud against the State of Florida, and the statement that "there can be no doubt that large quantities of land amounting to millions of acres have been patented to this State erroneously as being swamp, when, in fact, they were and are good agricultural lands." the Acting Commissioner appears to have ignored the fact that there had been selected up to March 3, 1857, 11,630,271.51 acres, which were confirmed to the State by act of Congress of that date, and patents directed to be made therefor (all but a small portion of which have been patented) which was, in effect, a special grant to the State by said act of such lands, eliminating therefrom any question as to their swampy character. This would leave of the patented lands about 5,500,000 in addition to those so confirmed by the act of 1857, of which, as shown by List A above mentioned, 4,818,465 acres lie within the Everglade and drainage region. There remains, therefore, only about 631,535 acres of the patented to be accounted for outside of the grant of 1857, and the submerged lands of the Everglade region and drainage system. And we respectfully submit there is no reason to believe that those remaining lands are not swamp as claimed.

The Acting Commissioner reports the aggregate selections of Florida under the swamp-land act to be 22,221,469 acres; of this, 11,630,271.51 acres were confirmed to the State by the said act of 1857, and 9,317,415 acres lie in the Everglade and the drainage system, as aforesaid, aggregating 20,947,686 acres, which being deducted from the total selections leave 1,273,783 acres of selections to be accounted for outside of the Everglade region and drainage system and the grant of 1857, and we do not hesitate to make the statement that there is sufficient land outside thereof "wet and and unfit for cultivation" (the test under the act of 1850) for the selection, without fraud, of that number of acres.

The Florida officers conclude their complaint to the honorable Secretary with the following prayer for relief:

We have the honor to request that you will take such action as may be necessary to correct the erroneous statement and unjust imputations of fraud contained in the said report of the Acting Commissioner, and that justice may be done the State of Florida in the premises.

Reviewing the foregoing complaint of the governor and his official associates, I may be permitted to say that I fail to perceive in the annual report any expression of phraseology calculated in the slightest degree to reflect upon either the personal or official integrity of the officers named, or upon their predecessors. Certainly it was not designed to impute to State officers any intentional fraud in their swamp-land transactions.

Dealing in general terms with a condition of affairs that has, for many years, been the subject of profound concern and of extraordinary embarrassment to this Department, to which former Secretaries and Commissioners have repeatedly called attention, and that the facts connected therewith can not have escaped the knowledge of the State officers and authorized agents of Florida, I deemed it my official duty in submitting the annual report to invite the attention of the present

Secretary to the subject. This I endeavored to do in language as appropriate and respectful as the evidence in this office impeaching the integrity of these selections would permit.

In using the terms "fraud" and "fraudulently obtained," I fully understood the recognized difference between fraud in law and fraud in fact. There is no evidence before me justifying the charge that any governor of Florida or other State officer has knowingly participated in, or approved of, any frauds in the swamp land selections now on file in this office, or that have been patented to that State. That the governors of Florida, however, have repeatedly urged the approval and patenting of fraudulent selections of alleged swamp and overflowed lands, is established to a degree of certainty that would render a denial of the fact altogether preposterous. There may be fraud in fact or fraud in law, or both.

If agents, appointed by the State, make and urge the approval of swamp-land selections before this Department, knowing that they are dry and arable, or not knowing with reasonable certainty that they are swamp and overflowed, and thereby secure their being patented to the State, it would be no abuse of technical phraseology to designate it as a fraud in law and fact. If a governor of Florida, misled by his agents, urges upon and secures from this Department the approval and patenting of swamp land selections that are not so in fact, it becomes a fraud in law, because contrary to the declared object and purpose of the grant. In either case, if called upon to characterize the transaction, I should be constrained to say that such patents were "fraudulently obtained."

I do not undertake to say that agents appointed from time to time by the Department have displayed more trustworthiness than those employed by the State. That instances of personal rectitude and sincere devotion to duty have existed among both classes of agents I do not question, yet, with the evidence on the files and records of this office at hand, I am unable to resist the belief that those who have been lacking in these qualities, if not the most numerous, have been by far the most active and successful.

Undeniable facts are abundant to warrant the foregoing observations.

These swamp land transactions have extended over a period of nearly forty years. They constitute a part of the history of ten administrations of the Federal Government, beginning with that of President Filmore. During this time swamp-land agents have appeared and disappeared. In the very nature of things I can only comment upon the doings of those who have figured in more recent years. Many of these agents are remembered only among the traditions of the General Land Office and the meager record preserved of their operations. Without descending to details or attempting to reproduce the statements of different agents, whose reports are on file in this office, I respectfully invite the attention of the Secretary to the following significant and instructive facts upon the subject:

The total area of Florida is 37,931,520 acres, while the list of alleged swamp and overflowed lands from that State aggregate the enormous amount of 22,221,469 acres, of which 16,061,129.98 acres have been patented; an extent of country about one million acres larger than the combined areas of Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, and larger than many of the Kingdoms of Europe.

In order that any of this vast area could rightfully have passed to that State, the acts of 1850 and 1857 required that it should have been "swamp and overflowed lands, made unfit thereby for cultivation," and

such was the only description of lands which Congress intended to grant to the State for reclamation purposes. If this hypothesis be true, it certainly presents a novel feature in the topography of Florida. I can not believe it nor will it be accepted as true by the people of that State. It will astonish the outside world to be informed that nearly two-thirds of Florida is an actual swamp unfit for cultivation, and necessarily exposed to all the disagreeable and unhealthy influences naturally incident to such regions.

In further answer to the communication of the Florida officers I respectfully call your attention to the following facts, which I feel assured can not upon any material point be successfully disputed.

As shown by our plats, nearly all of the 16,061,129.98 acres already patented are situated north of township 37, above Lake Okechobee, and several miles north of the upper line of the Everglades. These patented lands extend entirely across the State from east to west, and in the regions where its driest and most arable lands are found. These portions of the peninsula attain an altitude notoriously above the swampy level and many feet higher than the Everglades.

In these regions, as I am informed, are found the most prosperous agricultural communities in the State, and where lands are the most valuable and desirable. These lands rarely have water upon them beyond what falls from the clouds, and, if any of them are swamp or overflowed, they are limited in extent and notably exceptional. That over 16,000,000 acres of swamp and overflowed lands, rendered unfit thereby for cultivation should be found in these upper portions of the peninsula is absolutely phenomenal.

That illegal selections have been made (and by this is meant those that do not come within the meaning of the grant) seems to be understood among the people of Florida. In corroboration of this I cite a resolution unanimously adopted by the senate of that State April 12, 1888, page 113 of Senate Journal, as follows:

By Mr. Pirrong:

Senate joint resolution No. 23, instructing our governor, and Senators and requesting our Representatives in Congress to cause an investigation to be made to ascertain as to the legality of selections of swamp and overflowed lands, and have such as have been legally selected patented to the State.

From this it appears that suspicions existed as to the legality of these swamp-land selections, and it is to the credit of the honorable senators of the State that they courted investigation of the subject, desiring that patents should issue only for such as have been "legally selected." They certainly were not induced to adopt this resolution by remarks contained in the annual report, which was not published until October following. This resolution was vetoed by his excellency Governor Fleming for the following among other reasons therefor:

* * * * * * *

The Department of the Interior possesses ample means, without further Congressional legislation, to ascertain whether lands rejected come within the terms of the act of September 28, 1850, and eliminate therefrom any lands which may be improperly selected, and examinations are now being made by the Government as to the State selections; nor is Congressional action necessary to authorize the issue of patents to the State to which she may be entitled.

It is quite obvious that his excellency was not disposed to permit the question as to the legality of these selections to undergo the scrutiny of a Congressional investigation. He preferred to cast the labor and responsibility of such an undertaking solely upon the Interior Department, with its limited means under the inadequate appropriations made therefor by Congress.

Millions of acres of valuable land have unjustly been placed beyond the reach of actual settlers, and given over to illicit purposes of individual and corporate aggrandizement. And in this way also we can in part account for the rapidly-diminishing area of our public lands.

In this connection, I speak not alone of Florida as she differed in this respect from some other swamp-land States only in degree.

As serving to illustrate what has been said as to the attitude and conduct of agents, both State and departmental, I cite the Secretary to the following well-known cases:

I quote from the report of Mr. P. W. White and Dr. Mitchell, commissioners of immigration of Florida:

S. I. Wailes, indemnity certificates assigned for services	75,010.22
Sold S. I. Wailes, on his account as State agent at Washington for adjusting lands	70,782.97
1881-'82, entered by S. I. Wailes under his contract with trustees of April 13, 1878	21,664.03
Certificate No. 1, being 20 per cent. of whole amount for recovering same under his contract with trustees	1,072.96
November, 1881, 8 per cent. of patents	1,956.92
July 25, 1881	5,800.00
May 31, indemnity certificates assigned S. I. Wailes, agent at Washington	1,667.92
Assigned Mr. Wailes for services	17,141.76
To Mr. Wailes $25,810.36 in land	5,162.07
April 23, Mr. Wailes for services	4,639.51
Total number acres	214,909.37

This magnificent compensation makes the energetic Mr. Wailes one of the greatest individual land-owners in the world.

There is still another item to be considered, as follows:

This gentleman's contract for these services entitles him to two cents per acre for all the swamp lands patented to the State.

The lists of selections now pending aggregate 6,160,340 acres, and, if secured, will yield him under his contract $123,206.40, in addition to what he has heretofore received; and if we estimate the land at $1 per acre—and that is below the present actual value—it will swell the total of his compensation in this business to the comfortable sum of $338,214. This large sum to *one* agent alone!

But there are other agents which this enterprising State has in its employ, among whom are the following:

Charles Pomeroy, clerk and agent of L. G. Dennis, has received 5,800 acres for making selections; William Swan & Co., 3,614 acres for making selections; John A. Henderson, 29,580 acres, making in all 253,000 acres of land already paid to agents for making selections and securing approval of the Department, and $140,000 cash yet to be paid, depending upon success. I shall not attempt to give the amounts paid to other agents for similar services. I need not say that these payments of land to agents for their services are in direct contravention of the express condition of the swamp-land grant and a palpable misappropriation of the land.

No one will attempt to dispute the perfect right of the State to employ all the swamp-land agents it may deem necessary, and pay them such compensation as it chooses, but I submit that it is a gross violation of the express conditions of the grant to pay them either in swamp land or indemnity money for their services.

I quote from the act of September 28, 1850, as follows:

SECTION 1. That to enable the State of Arkansas to construct the levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands made unfit for cultivation which shall remain unsold at the passage of this act, shall be and the same are hereby granted to said State.

By the fourth section of said act its provisions were hereby extended to all the States in which swamp and overflowed lands were known to be situated. Under this act Florida acquired her right to these lands.

It will be observed that the grant thus made was for the specific purpose of "enabling the State * * * to construct the necessary levees and drains to reclaim the swamp and overflowed lands made thereby unfit for cultivation, and for no other purpose." Nothing can be plainer.

Section 2 of the act provides as follows.

> * * * and on that patent the fee-simple to said lands shall vest in the said State of , subject to the disposal of the legislature thereof: *Provided, however*, That the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied exclusively, so far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

This evidently is not to pay agents for making selections or agents for engaging, with their importunities, the time of the chiefs and clerks of the General Land Office. Congress intended that every acre of land and every dollar of cash indemnity should be faithfully and exclusively applied to reclaiming the lands so granted, "by means of the levees and drains aforesaid."

I am justified by the observation and experience of the Department in saying that this swamp-land business, years ago, degenerated into a system of lobbying as offensive as it was disreputable. Under the demoralizing incentive of a contingent compensation for his services the State agent, in his inordinate zeal, frequently trangressed the limits of propriety and inadvertently drifted away from the moorings of conscience.

CONDUCT OF SPECIAL AGENTS.

In order to illustrate the character and conduct of some of the agents appointed by the Department to investigate these Florida swamp land cases, I invite attention to the following report of Capt. J. G. Hester, a special agent of the Department, who, as this office understands, is an honorable and reliable gentleman, directed to Hon. J. A. Williamson as Commissioner of the General Land Office, dated November 18, 1877, as follows:

> Information has come to me of other wrongs against the United States relative to public lands, which I feel would be a neglect of duty were I to permit it to pass unnoticed. I therefore have the honor to invite your attention to the following:
>
> It appears that 896,915 acres of swamp and overflowed lands were granted to the State of Florida, under act of Congress approved September 28, 1850. I refer to list No. 8, selections for the State of Florida, approved June 28, 1876. The lands included in this list are situated mainly in Manatee and Monroe Counties, on the Caloosahatchie Creek, Brush Creek, Peace Creek, Tsaloapopka Creek, Josh Creek, Prairie Creek, Halpatahatchie Creek, Caloosahatchie River, and along the coast of Charlotte Harbor.
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> * * * * * * *
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> Much of these lands have been sold, and not one dollar has been expended as the law requires (section 2480, Revised Statutes), and in fact the lands in question, or at least a very small proportion of them, needed no such drainage, it being nearly all as high and dry as any lands in Florida. As evidence of this fact Mr. R. S. Fuller, of Hainesville, was recently in the State land office at Jacksonville, where he heard Mr. William H. Kendrick, a salesman in the State land office, negotiating the sale of some of these lands, state that he aided in the selection of the said lands, and that they were not overflowed or swamp lands. Any amount of evidence can be obtained to confirm the fact. * * * Evidence can also be had to fully establish the fact that the affidavits upon which the selections in this list (No. 8) are based were false. The facts in the foregoing are the same, to a great extent, in other lists and other grants previously made; this I assert from personal observation.

Having recently traveled over much of the State land which was granted to the State of Florida, I can positively state that three-fourths of all the land granted to Florida under the act of September 28, 1850, is high, dry land, and has never been subject to overflow.

It is perfectly clear that the act of Congress, September 28, 1850, so liberal in its provisions, has been greatly abused by a set of land sharks, swindlers, and railroad rings, perverting its true intent and using it to their own personal advantage by making up lists of alleged swamp and overflowed lands and furnishing proof of the same, as required by law, which is in most instances wholly or in part false. A recent selection of this kind has been made. I refer now to the list of State selections (No. 101), amounting to 530,176 acres, which I understand has been submitted to the honorable Commissioner of the General Land Office, asking for approval and patent. Three hundred and ninety-one thousand acres of this land is situated on the coast of the Gulf of Mexico, between latitude 26 and 27; it embraces the mouth of Corkscrew River and Ostego Bay; the greater portion of it is represented by persons who were well informed to be high dry land, and very valuable for the growth of sugar-cane and tropical fruits. One hundred and fifteen thousand acres of this land is located on the Atlantic coast, between latitude 25 and 26, and embraces the whole of the coast, with some of the adjacent islands, from Barnes Sound to Biscayne Bay. It is represented by persons well informed to be high dry land, and only a very small portion of it swampy, or in any way subject to overflow; it embraces one of the best harbors on the peninsula, and with slight improvement on the bar would be the best south of Fernandina. Twenty-four thousand one hundred and seventy-six acres is located on the Caloosahatchie River, at the head of navigation, and is represented by persons well informed to be one of the best-timbered bodies of land on that river, and not in any way subject to overflow. It embraces the land around Fort Thompson. It is the head of navigation, and if owned by a ring or set of land sharks would give them the complete monopoly of the timber on the river above that point.

Report of Albert Akers, special agent, to Commissioner Stockslager, September 29, 1888, as follows:

* * * I proceeded to the State of Florida in the month of January, 1888, and made a personal examination in the field of the lands in question. I was accompanied by a competent surveyor and other assistants. Two lists were given, to wit: Lists No. 27 and No. 44, together with maps and field notes of the original Government survey, verified by the surveyor-general and approved by the General Land Office. All of these lands lie in south Florida, commencing in township No. 46, range 31, and ending in township No. 53, range 32, running to the extreme southern portion of the State bordering on the "Everglades."

Florida is a much larger State than Iowa or Illinois. * * * No State in the Union has received as much in the way of grants from the Government for works of internal improvement. According to the record of the General Land Office there have been sold 1,832,431 acres; entered under the homestead law, about 500,000 acres; granted military services, 465,942 acres; officially approved railroad grants acres; approved as swamp-lands to the State, over 16,000,000 acres; granted for internal improvements, acres; granted for schools and universities, 1,000,663 acres; granted to individuals and corporations, 53,114 acres; granted to deaf and dumb asylums, 20,924 acres; confirmed private land claims, 3,262,529 acres.

The surface of this State is generally undulating, in some cases rising into well-defined hills, and the climate is so attractive that from October till May more than one hundred thousand tourists and invalids annually seek it and convert the State into a pleasure resort and sanitarium.

The Gulf of Mexico makes up five-sixths of its western boundary. Below the 29th parallel of latitude the State is a true peninsula. The rainy season is in the summer and it does not consist of steady rains, but of afternoon showers, which come up in the heat of the day with purifying thunder and lightning. This disproportion of summer rain leaves the winter an agreeable excess of clear days.

Pine is the principal timber of Florida, and is of many grades. The first-rate pine land is unlike any soil to be found in other States. The surface soil is usually several inches deep, of light, sandy loam mixed with vegetable mold or humus. Beneath this, to a depth of several feet, is a layer of light soil, resting generally on a final subsoil of clay, marl, or limestone. These first-class pine lands usually bear about sixty to seventy trees to the acre, and the trees are in most cases very large. The land is more or less rolling, well drained, easy to break, and being free from undergrowth is easily cleared. They are the healthiest lands in the State for residence, and experience has shown them to be adapted to the cultivation of the orange and all of the field crops. Other pine lands are more or less interspersed with a growth of oak and hickory. This variety of land is held by many to be the best for oranges, bananas, and pine-apples.

Most of all of the lands I have examined in southern Florida claimed by the State are in a wild state and uncultivated, except here and there a few settlers and squatters waiting to enter homesteads. I found the great majority of these lands dry and fit for cultivation and situated in that part of Florida which, at some near future day, will become very valuable for timber and agricultural purposes. I have been informed that a former agent of the General Land Office had been sent to examine these lands, and he claims to have made an examination of the same and reported them to the General Land Office, some time in the year 1879 or 1881, or thereabout, that the claim of the State was good, and that the lands were of the character contemplated by the swamp-land grant of 1850, and that the majority of the tracts were swamp and overflowed. From all the information that I could obtain from old settlers and citizens of that part of Florida J. W. Childs (said agent) had never visited, seen, or examined these lands, nor had he made inquiries in reference to their character and nature. I made diligent inquiry among the settlers and citizens of the county, and it was universally conceded that Special Agent J. W. Childs had never made a personal examination or ever inquired about the lands that he afterwards reported to the General Land Office as swamp and overflowed.

I am informed by two credible citizens of south Florida, men who have resided in that country for many years and regarded as the oldest citizens of Lee County, that Mr. Childs spent most of his time at Punta Rassa and Fort Myers, and never made an effort to reach these lands, except in one instance when he took a buggy at Fort Myers and traveled some 30 or 40 miles to the interior in the locality of township No. 46, range 31, and reported on sections 19 and 30 of that township.

It would be impossible to find in the whole State of Florida, not excepting the entire 16,000,000 acres already reported and patented as swamp and overflowed, one township without a few 40-acre tracts that would produce any of the cereals without artificial drainage. The whole thing is a stupendous fraud on its face. Mr. Childs reports more than eleven townships, commencing at section 1 going to section 36, only omitting section 16 (reserved for school purposes) as swamp land, unfit for cultivation without artificial means of reclamation, and not one quarter of a quarter section (40 acres) would produce tame grass or hay without ditching or some kind of surface drainage.

It is well known in Florida by all old settlers and citizens that nineteen-twentieths of these lands reported and patented to the State as swamp are high, dry, rolling and arable lands, free from overflow or swamp. There is no drainage in Florida to amount to anything; the lands that require drainage are not sought after by the State or by individuals. None of the 16,000,000 acres patented to the State, and disposed of by it, show any evidence, as far as I can see or learn, of artificial means of reclamation. What is artificial drainage? Artficial drainage, as considered by the Department, includes anything and everything done to render land drier than it was in its natural state, such as open ditches, blind ditches, and draining with tile, levees, and embankments, and surface drainage. The Department has always regarded this style of drainage of sufficient moment to adjust the claims of the several States for indemnity.

The rule of the Department requires that the special agent shall go over the lands and examine them in person, noting in a book furnished for that purpose the topography of the country and describe the timber, shrubs, grasses, etc., growing on the land, and if there is any evidence of reclamation note that also, describing the same in full, giving the lakes and streams on or near the land, and state what effect, if any, they have upon it; he is also required to make inquiries of persons residing on or near the land of its character at the date of the grant (if any can be found), and if such persons cannot be found of those who have known it for the longest period of time. In a contest between a citizen of Florida and the State over a homestead entry, the question was asked, on behalf of the State when the settler went to prove the tract was not swamp and overflowed, under the act of 1850, how he (the witness) knew the land in question was not swamp and overflowed in 1850 (for at that time the country was new and unsettled, and the oldest citizen could only date back to 1860, and no man in south Florida living could give any information as to the true nature and character of the soil when the grant was made, September 28, 1850). The witness, who is a very intelligent man, stated that he could tell by the growth of the timber; and the land in dispute was proven to be pine land, and the decision rendered established a precedent that has been followed ever since, that the growth of the timber always goes to prove the character of the soil at the date of the grant. Out of the great multitude of contests between the citizen and the State the State was never known to gain a case; the decision is invariably given to the settler, and very justly so. The State may by long litigation drive the poor man from his claim, but it is not because his claim is invalid, but because he has not the means to fight the case to successful termination.

Pine trees never grow on swamp or overflowed land. Cypress grows on either one, and so will mangrove; mangroves only grow in salt water; cypress grows in fresh water only, and the soil must be continuously wet. During my examination of lands

in Florida I frequently had to dig wells to obtain a supply of water; this was during the months of January, February, and March; we depended mainly for our water supply on cypress ponds along our line of travel. I have often gone as far as 10 miles for water; it is a well known fact that we have sometimes traveled 20 miles without finding a drop of water of any sort, not enough for man or beast. This in a country put down by State selectors and by Special Agent Childs as swamp and overflowed lands unfit for cultivation until drained by artificial means.

* * * * * * *

Another very convincing proof that the lands reported by the State authorities and passed by the special agents were never seen or examined by them is that the lands lie remotely from the coast, and in order to reach them a line had to be run by a surveyor and the trees blazed through a howling wilderness, over obstacles apparently insurmountable, and the only evidence that man had ever passed over the land was the marks on the trees made by the surveyors of the original Government survey. We found these marks with great difficulty, as they were grown over, almost obliterated. It required a surveyor of many years' experience to locate the line. The original survey was in 1872. * * * The field notes of the Government survey shows a very large majority of the land dry arable and covered with forests of pine and other timber.

The State of Florida did not elect to take the field notes of the Government survey as a basis of settlement, as some States did, in dividing the swamp and overflowed lands from the dry, but preferred to make her own selections. This opened the door to all sorts of frauds in taking lands that were not of the character contemplated by the grant.

The State, in making selections of so-called swampland, never examined the land with a view to ascertaining the fact whether or not it was swamp, but reported to the General Land Office all lands desired at the time, commencing at section 1 and running to section 36, omitting only section 16, reserved for school purposes. This egregious, flagrant, and high-handed outrage on the public domain deserves the highest condemnation. These lands were intended for actual settlers as homes, and to take them for any other purpose is a crime.

In harmony with the conduct of special agent Childs, as stated by Mr. Akers, is that of R. V. Ankeny, appointed by the Department in 1879. This gentleman was highly recommended for the position of special agent by prominent citizens of his State, and was supposed to be honest and reliable. He was sent to Florida, on proper instructions, to make a special and thorough examination of certain lists of selections filed by that State. In May, 1879, he reported that he had made the proper examinations and that most of the lands described and included in the list were high and arable. After remaining in the State for several months he reported that he had made another and further examination of the lands and reported them swampy and overflowed within the meaning of the act of September 28, 1850.

This agent undoubtedly went to Florida with upright intentions, and his very radical change of opinion as to the character of the lands he examined has never been satisfactorily explained to the Department. What influence the climate of Florida and association with her swampland agents may have exerted upon his judgment remains a matter of conjecture. I simply state the facts, leaving the Secretary to draw his own conclusions.

These cases serve to show how difficult it is for the Department to obtain entirely truthful and trustworthy information from special agents sent to Florida to make these examinations. Some of these agents, I am happy to say, have shown industry and thoroughness in their examinations, and their reports are regarded as entirely reliable, but I regret to say that such has not been the general rule.

I have endeavored to afford the Secretary all the information upon this subject I could possibly obtain, but the task has been a difficult one. Many reports said to have been made to this office years ago I have not been able after much delay and great labor to find. What has become of them, those now in charge of the swamp-land division

are unable to inform me. I am satisfied, however, that no blame in this matter can be justly imputed to the present chief of that division or to any of the clerks under his charge.

In their communication to the Secretary the Florida officials further complain of alleged erroneous statements contained in the annual report, as follows:

> In his charges of fraud against the State of Florida, and the statement that "there can be no doubt that large quantities of land amounting to millions of acres have been patented to this State erroneously as being swamp, when, in fact, they are and were at the time good agricultural lands," the Acting Commissioner appears to have ignored the fact that there had been selected up to March 3, 1858, 11,630,271.51 acres, which were confirmed to the State by act of Congress of that date, and patents directed to be made therefor (all but a small portion of which have been patented), which was in effect a special grant to the State by said act of such lands, eliminating therefrom any question as to their swampy *character*. This would leave of the patented lands about 5,500,000 acres in addition to those so confirmed by the act of 1857, which, as shown by list "A," above mentioned, 4,818,465 acres lie within the said Everglade and Drainage region. There remain, therefore, only about 681,535 acres of the patented lands to be accounted for outside of the grant of 1857 and the submerged lands of the Everglade region and drainage system. And we respectfully submit there is no reason to believe that those remaining lands are not swamp, as claimed.

In their anxiety to diminish the force of the statement that over 16,000,000 acres of lands, claimed to be swamp, have already been patented to the State of Florida, these officers are compelled to resort to the desperate expedient of perverting the plain purpose and obvious meaning of the act of March 3, 1857. In order to do this they are driven to the unwarranted assumption that said act—

> * * * was in effect a special grant to the State by said act of such lands, eliminating therefrom any question as to their swampy character.

The act of 1857 was what may be properly termed an "omnibus bill," passed for the benefit of all the recognized swamp-land States, especially referring to Louisiana and Arkansas. Florida is not even named in the act, and it applies to that State only because it was an act in general terms for the benefit of the several swamp-land States. The title of the act itself sufficiently contradicts this assumption of the Florida officers. The following is the title of said act of March 3, 1857:

> An act to confirm to the several States the swamp and overflowed lands selected under the act of September twenty-eight, eighteen hundred and fifty, and the act of the second of March, eighteen hundred and forty-nine.

It was by its very terms an act to confirm to the several States the swamp and overflowed lands selected by them under the acts of 1849 and 1850. It was known that under said acts the so-called swamp-land States had made and reported their selections to the General Land Office, and the act of 1857 was passed to confirm them without further delay. It can not now be ascertained that Congress took any steps to verify those selections or to determine as to their swampy character, but it did, without examination and without inquiry, undertake to relieve itself from further trouble and responsibility by a general and sweeping act of confirmation.

It is confidently asserted that no act can be found wherein Congress has made a grant of public lands to an individual, corporation, or State, except for a declared and specified purpose, and usually the amount of land intended to be granted had been in some manner clearly expressed, either in an aggregate quantity or by numbered sections, whether odd or even, within defined limits. But from the very nature of the case this certainly could not be attained in granting swamp and overflowed

lands to the States. Hence by a general provision the lists of selections then on file in the Department referred to were confirmed and granted.

It may not be regarded as disingenuous to say that the Florida officers now, for the first time, assert this claim, and for the obvious reason that they are unwilling to face the full measure of the fact that there are, as claimed by them, patented and unpatented selections in a total area of less than 38,000,000 acres over 22,000,000 acres of swamp and overflowed lands, "rendered unfit thereby for cultivation," and because they do not desire to be confronted with this damaging admission in view of their unsettled claim for nearly 6,000,000 acres now on file in this Department.

So far as this office is advised Florida is the only State that has made this claim under the act of 1857.

INDEMNITY LANDS.

Included in the lands patented are 92,980.57 acres, given to the State as indemnity for alleged swamp land sold by the Government, as provided by section 2, act of March 2, 1855, and claimed to have been swamp and overflowed in September, 1850. While the act of 1855 did not require that these indemnity lands should be from swamp and overflowed, yet it is notoriously true that in selecting them the State picked out the very best tracts it could find, thus obtaining arable and valuable lands for those that were swampy and inferior.

By the said act of March 2, 1855, it is also provided:

> That upon proof, by the authorized agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands, within the true intent and meaning of the act aforesaid, the purchase money should be paid over to the said State or States.

Under this provision there has been paid to the State of Florida up to March 20, 1890, the sum of $69,214.83 in money, representing 70,403.86 acres of land at the graduated prices provided by law.

FLORIDA KEYS.

Still another fact may be cited illustrating the assiduity and admirable tact of these Florida agents. They have not confined their efforts alone to the peninsula, but have gone beyond its limits and invaded the waters of the Atlantic in their persistent hunt for swamp and overflowed lands. It is a noteworthy fact that they have selected 55,544.26 acres—over 22,000 acres of which have been patented—situated upon the Florida Keys, an archipelago or chain of islands along the straits, which begin at Dry Tortugas, its extreme western terminus, running thence in a northeasterly direction entirely around the southern end of the peninsula, several miles in front of its eastern shore. These islands are situated from 6 to 50 miles out from the main land, and are of coral formation, generally covered with a sandy soil, in many places showing alluvial deposits that are arable and rich, producing some of the choicest semi-tropical fruits. Occasionally their lowest portions are washed by the waves or covered by high tides. South of these keys and separated from them by a navigable channel is a narrow coral reef or ridge known as the "Florida Reef," which here constitutes the left bank of the Gulf Stream.

From these circumstances it would appear that these keys are not formations upon which swamp and overflowed lands can exist within

the meaning of the granting acts. This proposition is so apparent as to exclude the necessity of illustration or argument.

But their selection as such by her agents seems to show that the State of Florida has been prompt and vigilant in pursuing all the chances suggested to her by the several acts of Congress. Her merest possibilities have been developed into an astonishing measure of success. Over 22,000 acres of the lands selected on the keys have already been patented to the State.

GRANTED TO RAILROADS.

Not only have large bodies of these swamp lands been absorbed by State agents in payment of their services, but an immense area has been donated to railroads and other corporations.

I find in the Senate Journal of the State for the year 1889, page 761, that 9,125,541.69 acres have been conveyed by said State to railroads and canals, by far the largest portion of which being to the former. I shall not enter into a discussion of the question as to the right, under the granting act, of the State to divert these swamp and overflowed lands to the purpose of subsidizing railroads and canals. It is possible that, inasmuch as the patents issued by the Department vested the fee-simple title to these lands in the State, it had the power thereby to divert them from the specific purpose expressed in the grant, and that the United States Government retained no power to interfere with such disposal.

In accepting the grant with its limitations and purposes so plainly expressed the State pledged itself to apply the lands granted to the purposes therein specified. To this the faith of the State was solemnly committed. By providing that the reclamation of these lands should be accomplished by the particular "means of the levees and drains aforesaid," it thereby, under all recognized canons of construction, excluded the idea that the lands granted for that purpose should be used in experimenting with other and untried agencies. It became a trustee for a particular specified trust and was bound to carry that trust into effect according to its terms.

Still another feature worthy of comment is connected with this giving of lands to the railroads and canals of the State. I am informed by citizens of Florida and others in a position to know the facts that a large portion of these lands were given to railway companies many miles distant from their respective lines of road. They were not confined to co-terminous sections, but were allowed lands varying in distance from 25 miles to over 100 miles therefrom, thus excluding all pretense that they were given for reclamation purposes.

When it is considered that Florida has within her limits, according to her own showing, more than 22,000,000 acres of swamp and overflowed lands, rendered unfit thereby for cultivation, which by accepting the grant made by Congress she is under a solemn obligation to reclaim to the extent at least of the means provided for that purpose by the grant, it becomes apparent that she can not divert so large a portion of these lands and so much of the cash indemnity without seriously impairing her ability to discharge the obligation she has undertaken to perform. In this view of the case the people of Florida are themselves doubly and most vitally interested; first, because every acre of land approved to the State as swamp and overflowed that is not so in fact is a loss of so much to actual settlers for homestead purposes; and second, because every acre or its proceeds should be faithfully and

exclusively applied to the reclamation and rendering fit for cultivation of all the swamp and overflowed lands within her borders.

It was to effectually guard the State against the possible contingency of misappropriation that Congress wisely provided in the grant that every acre of said land or its proceeds should be "applied exclusively, so far as necessary, to the purpose of reclaiming said land by means of the levees and drains aforesaid."

I allude to this feature of the case because, in my judgment, it serves to show still more clearly the extent to which the State of Florida has gone in disregarding the provisions of these swamp-land grants, rendering still more imperative the necessity for a thorough investigation of her selections now on file, embracing about 6,000,000 acres in addition to the enormous aggregate already obtained.

LANDS RECLAIMED.

That a very large majority of the lands patented to the State of Florida as swamp and overflowed have been absorbed by corporations and appropriated to the purposes of corporate and individual aggrandizement instead of being faithfully applied to the purposes of reclamation, as contemplated by the several acts of Congress on the subject, is a fact so clearly established as to place it beyond successful controversy. The evident purpose of Congress was that the lands granted should be so appropriated as to procure their own reclamation—that is, the identical lands so granted—and it was for this purpose only that the grant was made. It certainly never entered into the contemplation of Congress that they should be diverted from the declared purpose of reclamation, and used for corporate or individual profit. Yet, I regret to say that such has largely been the fate of the enormous acreage of the so-called swamp and overflowed lands patented to the State of Florida.

In the reports made by the trustees of the internal improvement fund of that State I find no statement as to the actual number of acres of land that have been reclaimed from their swamp and overflowed condition, and this office has no information that any lands have been reclaimed, nor have we been able to ascertain that, in this respect, the purpose of Congress in making the grant has in any manner been accomplished. I therefore respectfully submit that this subject should arrest the profound attention of the Secretary of the Interior and of Congress, especially so as there are still selections pending in this office for considerably more than 6,000,000 additional acres from that State that are unadjusted.

For the information of the honorable Secretary, I append the following table, showing the number of acres already patented to the several States, and the number of acres selected awaiting examination, viz:

Area of the swamp-land selections made by the several States up to May 3, 1890.

States.	Acres.	States.	Acres.
Alabama	531,355.60	Michigan	7,293,159.28
Arkansas	8,655,210.10	Minnesota	4,389,252.94
California	1,883,555.90	Mississippi	3,602,963.30
Florida	22,222,439.60	Missouri	4,843,583.34
Illinois	3,981,784.10	Ohio	116,766.28
Indiana	1,377,727.70	Oregon	410,671.86
Iowa	4,567,959.33	Wisconsin	4,567 223.87
Louisiana (act March 2, 1849)	11,214,996.32		
Louisiana (act September 28, 1850)	554,459.51	Total	80,213,009.03

Area of the swamp lands patented to the several States up to May 3, 1890.

States.	Acres.	States.	Acres.
Alabama	411,189.26	Michigan	5,667,394.64
Arkansas	7,647,709.36	Minnesota	2,890,547.25
California	1,469,340.25	Mississippi	3,259,153.20
Florida	16,114,669.00	Missouri	3,415,452.85
Illinois	1,455,641.45	Ohio	25,640.71
Indiana	1,257,863.05	Oregon	140,623.87
Iowa	1,183,815.20	Wisconsin	3,332,900.51
Louisiana (act March 2, 1849)	8,708,588.53		
Louisiana (act September 28, 1850)	225,172.32	Total	57,205,111.45

It will be seen that of the immense acreage of selections made by the sixteen swamp-land States, more than one-fourth comes from the State of Florida alone. The average of selections per State is a little over 5,000,000 acres, Florida claiming four times that amount.

In view of all the facts herein presented, I respectfully urge upon the honorable Secretary that no more selections be approved to the State of Florida until thorough and reliable examinations are made by competent and trustworthy agents, who go out under specific instructions, provided with competent surveyors, with orders to trace and report upon each section embraced in the lists of selections, according to the field-notes of the original surveys.

The limits of this communication, already too much extended, will not permit me to enter into a discussion of the important and somewhat difficult question as to the right and duty of the Government to institute proceedings for setting aside patents granted to the State upon the ground that they were procured through fraud and mistake. Upon this subject I am not now prepared to express an opinion. I therefore respectfully suggest that it be referred to the honorable Attorney-General for his consideration.

Very respectfully,

W. M. STONE,
Assistant Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 143.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A letter from the Chief of Engineers, with other papers, suggesting an amendment to the river and harbor bill, with reference to the sale of certain Government lands along the Muskingum River after the completion of improvements thereon.

JUNE 6, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, June 5, 1890.

SIR: I have the honor to inclose, for the consideration of the Committee on Commerce, in connection with the pending river and harbor bill, a letter from the Chief of Engineers, dated the 2d instant, together with a copy of a letter from Lieut. Col. William E. Merrill, Corps of Engineers, suggesting an amendment to that bill providing for the sale of such Government lands along the Muskingum River as will no longer be needed by the United States after the completion of certain improvements on that river.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, June 2, 1890.

SIR: I have the honor to submit herewith copy of letter, dated May 29, 1890, from Lieut. Col. William E. Merrill, Corps of Engineers, in which he recommends that authority of Congress be obtained to sell such Government lands along the Muskingum River as will be no longer needed by the United States after the completion of certain improvements on that river.

Concurring in the views of Lieutenant-Colonel Merrill, I have to recommend that the accompanying copy of his letter be transmitted to the President of the Senate of the United States for the information of the Committee on Commerce.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, May 29, 1890.

GENERAL: I have the honor to call the attention of the Department to the fact that some of the land now owned by the United States along the Muskingum River will not be needed after certain changes are completed, such as the land now occupied by the Taylorville Canal, which will soon be abandoned, and the land at Symmes Creek, appertaining to old lock and dam No. 11, which will never be rebuilt, as the site is objectionable, and the plans for a new lock and dam contemplate a structure 2 miles lower down the river.

It is desirable to get rid of these lands as soon as they are no longer required, and as there seems to be no authority to sell Government land without an act of Congress, I would recommend that steps be taken to secure such authority.

I would respectfully suggest that this object could be accomplished by the following amendment to the pending river and harbor bill, viz:

SEC. —. That the Secretary of War be, and he is hereby, authorized to sell at public auction, or otherwise, as in his judgment may be most economical and advantageous to the United States, such lands connected with the Muskinghum River improvement as may no longer be needed for the maintenance of navigation: *Provided, however*, That an itemized account of such sales shall accompany the next succeeding annual report of the Chief of Engineers.

Respectfully, your obedient servant,

WM. E. MERRILL,
Lieut. Col. of Engineers.

BRIG. GEN. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 144.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In response to resolution of May 26, reports relative to the alleged use of armed forces at Cedar Keys, Fla., to protect United States officials.

JUNE 6, 1890.—Read, referred to the Committee on the Judiciary, and ordered to be printed.

To the Senate of the United States:

In response to the resolution of the Senate of the 26th of May, requesting me "to communicate to the Senate such information as may be in the possession of the Executive Department relating to the alleged landing of an armed force from the United States revenue-cutter *McLane* at Cedar Keys, Fla., and the alleged entry of houses of citizens by force, and their alleged pursuit of citizens of the United States in the surrounding country, and the authority under which the commanding officer of the cutter acted in any such matter," I submit for the information of the Senate the accompanying correspondence which contains all the information possessed by the Executive Department relating to the matters inquired about:

It will be observed that the United States collector of customs at Cedar Keys had been driven from his office and from the town, and the administration of the customs laws of the United States at that port suspended, by the violent demonstrations and threats of one Cottrell, the mayor of the place, assisted by his town marshal, Mitchell. If it had been necessary, as I do not think it can be in any case, for a United States officer to appeal to the local authorities for immunity from violence in the exercise of his duties, the situation at Cedar Keys did not suggest or encourage such an appeal, for those to whom the appeal would have been addressed were themselves the lawless instruments of the threatened violence. It will always be agreeable to me if the local authorities, acting upon their own sense of duty, maintain the public order in such a way that the officers of the United States shall have no occasion to appeal for the intervention of the General Government, but when this is not done I shall deem it my duty to use the adequate powers vested in the Executive to make it safe and feasible to hold and exercise the offices established by the Federal Constitution and laws.

The means used in this case, were, in my opinion, lawful and necessary, and the officers do not seem to have intruded upon any private right in executing the warrants placed in their hands. The letter dated August 4 last, which appears in the correspondence submitted, appeal-

ing to me to intervene for the protection of the citizens of Cedar Keys from the brutal violence of Cottrell, it will be noticed was written before the appointment of the new collector. That the officers of the law should not have the full sympathy of every good citizen in their efforts to bring these men to merited punishment is matter of surprise and regret. It is a very grim commentary upon the condition of social order at Cedar Keys, that only a woman, who had, as she says in her letter, no son or husband who could be made the victim of his malice, had the courage to file charges against this man who was then holding a subordinate place in the customs service.

BENJ. HARRISON.

EXECUTIVE MANSION, *June* 6, 1890.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 3, 1890.

SIR: In accordance with your direction, I herewith inclose the report of the United States marshal for the northern district of Florida, in the matter of the attempted arrest of the mayor and city marshal of Cedar Keys, and the use of the revenue-cutter *McLane* therein. I also inclose the correspondence had between this Department and the marshal, and between this Department and the Treasury Department with reference to the revenue-cutter.

Very respectfully,

WILLIAM H. TAFT,
Acting Attorney-General.

The PRESIDENT:

[Telegram.]

GAINESVILLE, FLA., *May* 12, 1890.

To GEORGE C. TYNER [TICHENOR],
Assistant Secretary Treasury, Washington, D. C.:

Prevented by W. W. Cottrell, late inspector of customs and mayor Cedar Keys, and J. R. Mitchell, city marshal; cause, my refusal to open custom-house Friday afternoon, between 5 and 6 o'clock, for transaction private business with Cottrell. He had something in desk which he desired to remove. Threatened to incarcerate me and my deputy if we appeared on streets, and had armed force to carry out threat; applied to United States Commissioner Lutterloh for warrant, but owing to desperate character of Cottrell he said it was useless to issue same as no one dared to serve it; on his advice conferred with United States attorney at Jacksonville, and have secured warrants for their arrest. Have received several telegrams warning me not to return unless accompanied by posse. Have been summoned to Jacksonville to-night. Impossible for me to return unless immediate arrests are made. Urge same. Cottrell defies arrest by Government authorities.

J. H. PINKERTON.

[Telegram.]

JACKSONVILLE, FLA., *May* 13, 1890.

ATTORNEY-GENERAL, *Washington, D. C.:*

Warrants for Cottrell and Mitchell left on the 11 a. m. train for Cedar Keys. They will be arrested to-night if found. You can aid the marshal by sending the revenue-cutter to that point, as Cottrell and Mitchell have a boat already for leaving. Pinkerton is here and says his report to the Secretary of the Treasury is correct in every particular. I returned last night from Tallahassee with another defendant and dispatched latter by first train.

E. C. WEEKS,
Marshal.

[Telegram.]

JACKSONVILLE, FLA., *May* 13, 1890.

ATTORNEY-GENERAL, *Washington, D. C.:*

Have officers of revenue-cutter instructed to assist deputy marshal at Cedar Keys to assist in arrest of W. W. Cottrell, if necessary. Cottrell reported to be on Island.

E. C. WEEKS,
Marshal.

[Telegram.]

DEPARTMENT OF JUSTICE,
Washington, D. C., May 13, 1890.

WEEKS,
United States Marshal, Jacksonville, Fla.:

Pinkerton, collector at Cedar Keys, reports to the Secretary of the Treasury that he has been driven from the custom-house by one Cottrell and one Mitchell, mayor and marshal of Cedar Keys, and that they will not permit him him to return. Says that warrants have been issued for their arrest. Have you the warrants? What are the facts? Report by wire fully and execute warrants promptly.

W. H. H. MILLER, *Attorney-General.*

[Telegram.]

CEDAR KEYS, FLA., *May* 14, 1890.

The SECRETARY OF THE INTERIOR, *Washington, D. C.:*

Was able to open the custom-house at 10 o'clock to-day, under protection of deputy United States marshals.

F. L. PINKERTON,
Special Deputy Collector.

(Meant for Hon. Attorney-General.)

[Telegram.]

JACKSONVILLE, FLA., *May* 15, 1890.

To ATTORNEY-GENERAL, *Washington, D. C.:*

Two deputies returned with city marshal of Cedar Keys. They report Cottrell will be arrested to-day or to-morrow.

E. E. WEEKS, *Marshal.*

DEPARTMENT OF JUSTICE,
Washington, D. C., May 16, 1890.

SIR: I have the honor to send you a copy of a telegram of the 15th instant, from Mr. Weeks, marshal of the United States for the northern district of Florida, and to ask that his request for instructions to be given to the officers of the revenue-cutter now in the Florida waters to assist the deputy United States marshal at Cedar Keys in arresting one W. W. Cottrell be complied with. As the matter is urgent, I suggest that the instructions be given by telegraph.

Very respectfully,

Acting Attorney-General,

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, *May* 16, 1890.

SIR: In reply to your letter of this date in regard to the use of the revenue-steamer *McLane* to assist the deputy United States marshal at Cedar Keys, I have the honor

to state that the commanding officer of that vessel was directed yesterday, by telegraph, to report with his command to the collector of customs at Cedar Keys for any special assistance required.

A copy of the instructions sent is herewith inclosed.

Respectfully, yours,

W. WINDOM,
Secretary.

The ATTORNEY-GENERAL.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 15, 1890.

Capt. T. S. SMYTH,
Revenue Steamer McLane, Cedar Keys, Fla.:

Report, with your command, to Collector J. H. Pinkerton for any special assistance required.

GEO. C. TICHENOR,
Assistant Secretary.

[Telegram.]

DEPARTMENT OF JUSTICE,
Washington, D. C., May 20, 1890.

EDMUND C. WEEKS,
United States Marshal, Jacksonville, Fla.:

Newspapers report your deputies and others from revenue-cutter searching private houses for Cottrell. Authority to search private houses for such person is very questionable. Be very careful and circumspect in this matter.

W. H. H. MILLER,
Attorney-General.

[Telegram.]

JACKSONVILLE, FLA., *May* 20, 1890.

ATTORNEY-GENERAL, *Washington, D. C.:*

But one deputy at Cedar Keys. Will caution him. With the aid of the steam-launch and the cutter hope to capture Cottrell.

WEEKS, *Marshal.*

EXECUTIVE MANSION, *Washington May* 24, 1890.

SIR: The President desires me to ask you to direct the United States marshal for the district in which Cedar Keys is situated to make a full report of the facts in connection with the use of the revenue-cutter and all matters relating thereto.

Very truly, yours,

E. W. HALFORD,
Private Secretary.

The ATTORNEY-GENERAL.

[Telegram.]

DEPARTMENT OF JUSTICE,
Washington, D. C., May 24, 1890.

WEEKS, *United States Marshal, Tallahassee, Fla.:*

I am directed by the President to require from you a full report of all your acts, and those of your deputies, growing out of the attempted arrest by you of the mayor and city marshal of Cedar Keys, and of the use of the revenue-cutter for that purpose. Make this report as soon as possible, and wire me at once when it will be forwarded.

WM. H. TAFT,
Acting Attorney-General.

JACKSONVILLE, FLA., *May* 27, 1890.

MY DEAR SIR: The commissioner's warrant for the arrest of Cottrell and Mitchell, mayor and marshal of Cedar Keys, Fla., was placed in the hands of my deputy, May 10. "I was in the country making arrest." There being no funds in the office, the deputy could not send to Cedar Keys until my return Monday night. Tuesday morning, May 13, I dispatched deputy Charles L'Estrange with two other deputies, whose report I herewith forward for your information. Mitchell was arrested and brought here, and upon failing to give bond for appearance I lodged him in jail, where he remained four days and was bailed out, and the bond was approved by Commissioner D. W. Fletcher, Judge Swayne being out of the city.

Your obedient servant,

EDMUND C. WEEKS,
United States Marshal.

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.

JACKSONVILLE, *May* 24, 1890.

Hon. E. C. WEEKS,
United States Marshal northern district Florida, Jacksonville, Fla.:

I have the honor to herewith submit the following report in relation to my proceedings in the effort to arrest W. W. Cottrell; also the arrest and delivery before the United States commissioner of J. R. Mitchell.

I left Jacksonville at 11.15 a. m. on the morning of May 13, arriving at Cedar Keys at 7.45 p. m., accompanied by two deputies.

We at once commenced to procure such information as we thought necessary to locate and secure the arrest of the said Cottrell and Mitchell.

Before 9 p. m. I had Mitchell located, and detailed A. Jones to keep him spotted.

Next morning, at 4.30 a. m., interviewed Conductor Horning, who was already apprised of my mission, and whom I believed to be in harmony with my ideas respecting the possibility of Cottrell getting away on his train. He made diligent search before starting, and communicated the fact of his non-presence.

We learned after that Cottrell had left Cedar Keys shortly after our arrival the night previous, with one Theodore Hodge, who lived on an island just opposite.

We then commenced to search quietly around for such information as we thought necessary to lead to his arrest.

We made the acquaintance of one J. H. Rathe, who had recently been assaulted and almost killed by said Cottrell, who put us in possession of much valuable information. He, too, reiterated the fact of Cottrell's escape.

I then determined to arrest Mitchell, whom I had seen on the street a few minutes before, fearing that he might get away, also, having learned that the people were much incensed at the presence of United States marshal. I found Mitchell shortly after and arrested him and next morning sent him in the custody of Deputies Jones and Jones to Jacksonville.

Having learned that their presence availed me nothing, the same day I summoned the following witnesses: Ira Gore, C. C. Carlton, E. J. Lutterloh, Samuel Reddick, Page Robinson, and Charles Benson.

I then interviewed Frank Pinkerton, United States deputy collector of customs at Cedar Keys. Having made myself known, he at once showed me a telegraph dispatch from Washington, stating that the revenue-cutter *McLane* had been ordered to proceed to Cedar Keys and report to collector at once.

On her arrival Captain Smyth sent for me and stated that he had been sent there to render such services as the circumstances required. Judge Pinkerton, the collector of customs, being present, the subject was pretty well discussed, and finally it was determined that thorough and diligent search should be made of the adjacent country, and suspected buildings should not be excepted. The following morning, May 17, everything being in readiness, I left the cutter *McLane* with Lieutenant Carden in command of two boats, with Pilot Seymour and a body of armed men, and proceeded to the island, where we hoped to find Cottrell, we made our way at once to the house of Theodore Hodge, to whom I stated the object of our visit, and asked his permission to search his premises, which he readily gave.

A thorough search was made but he was not there; continued our search on the island till almost noon, then returned. I heard many reports, amongst which one stating that Cottrell was still hiding in his own house. We then decided that after dinner we would search Cedar Keys. The same officers and men came ashore at 1.30 p. m., and we started for the house of W. W. Cottrell; on our arrival I told the lady the object of my visit, and from what I had heard suspected him in hiding thereabouts and that I should like to make a thorough search, which we did with their

consent, finding him not. We determined to scour the island, and dividing our three squads and taking different directions, a most diligent and thorough search was made but without the desired result.

Men returned on board just before dark. About 8 o'clock Judge Pinkerton informed me that a man was in hiding in the ice-house, a very large building on the beach. I communicated this to Captain Smyth, who again ordered his men ashore, under the same command, to surround the building. I then went in quest of the key; found the owner, Mr. J. Andrews; told him my errand; he consented to our search, and gave the key quite willingly; we made a most thorough search, which engaged us till almost midnight. This was conducted with so little ostentation or parade that but few of the inhabitants knew anything of our operations at all. Then returned on board.

Sunday I was engaged on a still hunt. Amongst other reports was one that Cottrell was hiding at Old Town, and there being no possibility of reaching there only by water, Captain Smyth suggested that I procure a steam-launch belonging to E. Faber, of New York, and then engaged by the Eagle Pencil Company, on opposite side of the bay. Myself and Captain Smyth interviewed Mr. Clough, in hopes of securing his services, but he refused unless we first obtained permission from Mr. Faber. I telegraphed you on the subject, but received no reply until the following day.

I then, with Captain Smyth, interviewed Mr. Clough in hopes of getting steam-launch; he said that he would not let her go unless $50 per day was guarantied for her services, which we considered meant prohibition. Ten dollars would have been exorbitant.

This same man Clough told us that the revenue-cutter *McLane* could get up to Old Town, there being plenty of water. Then Captain Smyth went on board and ordered steam up and everything in readiness to leave at 4 p. m.

Men were detailed to keep watch over custom-house during our absence. I met Captain Smyth at 4 p. m., who stated that from what he had since learned the trip up the Suwannee would have to be abandoned. He having, I supposed, been imposed upon in regard to the depth of water, etc.

I was in constant communication with him during the whole of my stay and he expressed his disapproval of my leaving Cedar Keys, Collector Pinkerton also, from the fact that should this said W. W. Cottrell return they would be unable to place him under arrest in the absence of a United States deputy marshal.

I left Cedar Keys, in pursuance to your orders, May 24 at 5 a. m., arrived in Jacksonville at 1.50 p. m. and reported at your office at once.

I am, most respectfully,

S. L. ESTRANGE,
United States Deputy Marshal.

JACKSONVILLE, FLA., *June* 2, 1890.

MY DEAR SIR: I herein inclose a report of Deputy Samuel L. Estrange, made previous to his last forwarded to you, which I have just received, and it especially relates to the matter of searching houses in Cedar Keys, and it may be well to file same with other papers in the Cottrell case for reference. I am,

Your obedient servant,

EDMUND C. WEEKS,
United States Marshal.

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.

CEDAR KEYS, *May* 21, 1890.

SIR: I wrote you Sunday last, but receiving no reply I fear that it did not reach you. I therein stated that I needed funds in order to prosecute our hunt for Cottrell. Notwithstanding our vigilance, he has, by the aid of his friends, eluded us. Our efforts have been untiring, and almost everything that our friends could suggest in the hopes of realizing a speedy capture has failed us. We have in several instances been played upon and made the victims of their treachery. The steamer owned by E. Faber has been away, but returned this morning, and Captain Smythe, of the revenue-cutter *McLean*, and myself at once interviewed the agent in the hopes of chartering her for a few days and proceed up the Suwanee River, where it is now believed that Cottrell is hiding, but when the agent demanded the sum of $50 per day for the use of her we abandoned the idea, feeling assured that you would never entertain any such proposition.

Captain Smythe has now tendered the use of his vessel and crew, at the same time leaving a sufficient force ashore to aid and protect Judge Pinkerton and the custom, house. The vessel will in all probability be of too much draught to proceed the whole of the distance, so her boats will be called into requisition. We anticipate leaving this evening.

The same spirit manifests itself here that has characterized the people in all other places where these high handed outrages have been committed, except that they have been the deeper concealed, but they are now cropping out.

Cottrell is still mayor and likely to continue, from all appearance.

Mitchell has been re-instated, so one may safely infer that the policy of Mayor Cottrell has been fully indorsed.

Not one word appeared in the newspaper published here in relation to the difficulties between Cottrell and collector.

I must state that the Attorney-General has been misinformed in the matter of our searching dwellings unlawfully. In every instance I asked permission, which I am pleased to say was readily, if not cheerfully, given. I have been religiously scrupulous on this point, and Lieutenant Carden will bear me out in the fact that we were complimented upon several occasions for the unostentatious and orderly manner in conducting what we conceived to be a most painful duty; but the rabble will talk and bluster.

I inclose W. W. Cottrell's photo, but I beg of you to return it to me on my return. I could not have secured it myself but upon certain conditions.

You can obtain copies if you wish. It is a pretty good likeness of him.

I must also beg of you not to accept all the reports that you may read in the newspapers.

But you will see shortly a sketch of the whole business, and, from what I can infer, all O. K., from the pen of Mr. Adams he will in all probability accompany us up the Suwanee.

Yours, respectfully,

S. L. ESTRANGE,
Special Deputy United States Marshal.

Hon. E. C. WEEKS.

I have received several anonymous letters, but paid no attention to them; but last night I received one having the signature of B. P. Smith, which I inclose. Please hand it to me again when I return.

[Telegram.]

GAINESVILLE, FLA., *May* 10, 1890.

WILLIAM WINDOM,
Secretary of Treasury United States, Washington, D. C.:

I am prevented from opening the custom-house by armed force; am on my way to Jacksonville for assistance. Address me care United States court.

J. H. PINKERTON,
Collector of Customs, Cedar Keys, Fla.

JACKSONVILLE, FLA., *May* 10, 1890.

SECRETARY OF TREASURY,
Washington, D. C.:

Have reported facts to United States attorney. He has caused warrant to issue against parties.

J. H. PINKERTON,
Collector.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1890.

J. H. PINKERTON,
(*Care of United States Court*),
Jacksonville, Fla.:

By whom are you prevented, and for what alleged cause? Wire particulars.

W. WINDOM, *Secretary.*

[Telegram.]

GAINESVILLE, FLA., *May* 12, 1890.

GEORGE C. TYNER [TICHENOR],
Assistant Secretary Treasury, Washington, D. C.:

Prevented by W. W. Cottrell, late inspector customs and mayor Cedar Keys, and J. R. Mitchell, city marshal. Cause, my refusal to open custom-house Friday afternooon between 5 and 6 o'clock for transaction of private business with Cottrell. He had something in desk which he desired to remove. Threatened to incarcerate me and my deputy if we appeared on streets, and had armed force to carry out threat. Applied to United States Commissioner Lutterloh for warrant, but, owing to desperate character of Cottrell, he said it was useless to issue same, as no one dared to serve it. On his advice, conferred with United States attorney at Jacksonville, and have secured warrants for their arrest. Have received several telegrams warning me not to return unless accompanied with posse. Have been summoned to Jacksonville to-night. Impossible for me to return unless immediate arrests are made. Urge same. Cottrell defies arrest by Government authorities.

J. H. PINKERTON.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 14, 1890.

COLLECTOR OF CUTSOMS, *Key West, Fla.:*

Direct commanding officer steamer *McLane* to proceed as soon as possible with his command to Cedar Keys, and report to Collector J. H. Pinkerton for any special aid required.

Answer.

GEO. C. TICHENOR,
Assistant Secretary.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 14, 1890.

J. H. PINKERTON,
Collector of Customs, Cedar Keys, Fla.:

Commanding officer steamer *McLane*, at Key West, directed to proceed with vessel to Cedar Keys, and report to you for any special service required.

GEO. C. TICHENOR,
Assistant Secretary.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 15, 1890.

Capt. T. S. SMYTH,
Revenue Steamer McLane, care Collector of Customs, Tampa, Fla.:

Proceed with your command as soon as possible to Cedar Keys, and report to Collector J. H. Pinkerton for any special service required.

GEO. C. TICHENOR.
Assistant Secretary.

[Telegram.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 15, 1890.

Capt. T. S. SMYTH,
Revenue Steamer McLane, Cedar Keys, Fla.:

Report with your command to Collector J. H. Pinkerton for any special assistance required.

GEO. C. TICHENOR,
Assistant Secretary.

[Telegram.]

CEDAR KEYS, FLA., *May* 18, 1890.

SECRETARY OF THE TREASURY,
Washington, D. C.:

The cutter *McLane* draws too much water to go in pursuit of W. W. Cottrell, and her boiler is leaking. There is a steam launch here to-day which Captain Smyth can man; have telegraphed her owner, E. Faber, 545 Pearl street, New York, and no reply. Can I press her into service to make arrest if needed?

J. H. PINKERTON,
Collector of Customs.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 19, 1890.

J. H. PINKERTON,
Collector of Customs, Cedar Keys, Fla.:

The Attorney-General does not approve of the impressment of the launch.

WM. WINDOM.

[Telegram.]

CEDAR KEYS, FLA., *May* 22, 1890.

W. WINDOM,
Secretary Treasury, Washington, D. C.:

Situation critical, town still controlled by Cottrell's influence. Until he is arrested there will be no safety for United States officials here, especially if the cutter leaves. Reports in papers substantially given; detailed report by mail.

J. H. PINKERTON,
Collector.

UNITED STATES REVENUE STEAMER MCLANE,
Cedar Keys, Fla., May 22, 1890.

SIR: I have the honor to inform the Department that the condition of affairs at this port, owing to the many crimes and enormities committed at various times by its mayor, William W. Cottrell, is a most deplorable one.

It seems incredible that a condition such as that existing could have lasted and been borne with so long, and even more so that Cottrell has escaped heretofore the punishment which he so justly deserves.

I am of the opinion, from the information I have received from the most respectable citizens here, that the newspaper reports in the various leading journals of the country are not only not exaggerated, but do not tell one-half of this man Cottrell's crimes. The fact is that the people here are in a perfect state of terror over Cottrell's recent doings, and every effort and means at the disposal of the Government should be used to hunt down and effect the capture and trial of this man.

I am informed that the people here are unable to obtain assistance or protection from the State authorities, owing to the influence wielded by Cottrell, and the methods resorted to in frightening and terrorizing witnesses. The town marshal of this place, who was arrested and indicted at the same time as was Cottrell for conspiracy with the latter, is now out on bail. He has been permitted by the acting mayor of Cedar Keys, W. P. Finlayson, to resume his duties, and is now acting in his former capacity, despite the protests of the better class of citizens.

The present collector of customs, Mr. J. H. Pinkerton, has reason to believe that Cottrell's friends are endeavoring to obtain a sufficient guarantee for bonds that will enable Cottrell to give himself up, render bail, and return to Cedar Keys. Once here he will resume his functions as mayor, and, it is feared, proceed, through a system of persecution and terror, to drive away all witnesses who might appear against him for the prosecution.

Collector Pinkerton feels that it will be imperative, should Cottrell return to this place, for the *McLane* to remain indefinitely, not only for the protection of his own person, but the business of his office. Since my arrival here I have done all that was possible to insure protection to United States interests, and to the persons of those connected with the United States custom-house.

I have also sent armed detachments from this vessel to assist the United States marshals in effecting Cottrell's capture, but owing to the large amount of sympathy shown to the man, the inaccessibilty and roughness of the country in this region, and the assistance which appears to be given the fugitive in all quarters, the force sent from the *McLane* has, as yet, been unable to come up with him, and I firmly believe his hiding place can only be found through the offer of a suitable reward.

I would most respectfully suggest that a commission, fully competent to grasp the situation, be appointed to meet here and thoroughly investigate the condition of affairs; and I would further suggest that the commission be instructed to report what, in its judgment, should be done to insure full protection to United States interests in this section.

In conclusion, I wish to express my high appreciation of the hearty and willing cooperation of the officers and crew of this vessel in carrying out my orders and instructions in every instance, and I wish in particular to favorably mention Third Lieut. G. L. Carden, for the most effective small-arm division which, through his untiring efforts, this vessel possesses.

Very respectfully,

THOS. S. SMYTH,
Captain U. S. Revenue Marine, commanding U. S. Revenue Steamer McLane.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

CUSTOM-HOUSE, CEDAR KEYS, FLA.,
Collector's Office, May 22, 1890.

SIR: I have the honor to report that on April 1, 1890, I assumed the duties of collector of customs at the port of Cedar Keys. W. W. Cottrell held the office of Inspector of customs, a position he was put into by my predecessor, Jno. F. McDonell. I knew something of his habits and tried to get him to resign, to take effect in thirty days, which he refused to do, and repeatedly threatened with personal violence any one that would complain of him or make charges against him for the purpose of having him removed. He was boisterous and insulting in his manner, and finally offered his resignation, to take effect in ninety days, which I refused to accept or recommend.

He was very abusive toward the Administration and the Republican party, and said there would be no custom-house here in three months. He threatened to throw Mr. J. Ira Gore out of the window because, as he said, he, Gore, had accepted an appointment from a d—— Republican Administration. Mr. Gore was the retiring deputy collector, and was engaged in turning the property over to me. At this time I was not fully in possession of the custom-house, and he, Cottrell, by virtue of his office, had the right of entry. On this occasion he brought three strange men with him, of dissolute appearance. A few days later I received through your Department a letter that had been sent to the President from this place containing grave charges against Cottrell. Said letter you will find inclosed, marked A.

On the 10th of April I sent for him, and he came accompanied by the city marshal, J. R. Michell. I requested Michell to retire as I had business with Mr. Cottrell. He, Michell, did not leave the house, but did not come into my private office where I took Cottrell. I then showed him the letter containing the charges against him. He was extremely violent at first, and insisted on taking the letter out on the street, and making the persons whose names were mentioned as references in the letter deny the truth of the charges, or blow their brains out with his shotgun.

I refused to let him take the letter out of the office. After discussing the matter with him I made this proposition, that to avoid any publicity and trouble in the matter for him to resign, and that if he did so I would forward it at once and advise its acceptance, and it would not be necessary for me to report as to the truth of the charges, for he well knew that enough of the charges could be proven to have him dismissed. He finally concluded to do so, and wrote out and tendered his resignation, to take effect the 1st of May, which I immediately forwarded to the Department.

He always brought one or more of his friends with him when he came to the custom house. At the time the keys were turned over to me there was a small drawer in the safe, and also one in the desk occupied by Cottrell, that were locked, and I was informed that Cottrell had the keys. When I paid him for his services for April I expected, as he had a number of articles in the custom-house, such as jugs, bottles, boat-sails, fishing-tackle, etc., he would take them away, as he had no further business in the custom-house, but he made no move to do so, and I suggested that he do so. He put me off and said he would come in that evening.

I insisted that he take a gold pen that belonged to him. I took it out of a desk and offered it to him, but he would not take it, and went away. He came no more for several days, although I saw him pass the office several times a day. Finally, on

the 8th of May, he came into the custom-house just before noon, accompanied by W. D. Finlayson, and went into a room and got an empty jug and an old broken lamp; he brought them out and set them on the stool. He then came in to my office and demanded what the duty on tobacco was, and said he must know in five minutes. I told him I would look the matter up.

I then asked him to take his things out of the safe, as I had it open. He said, "No," but would "come in right after dinner;" but he did not come. I saw him pass a number of times that evening and next day, but he did not come in. On Friday evening, the 9th, I think, about 6 o'clock, Inspector Carleton and myself were standing in the door of C. B. Rogers & Co.'s store, and he (Cottrell) passed along. He said to me, "Why did you not open the custom-house at 9 o'clock this morning?" I said, "I did, by my time." He asked me, "What kind of time?" I said, "Standard time." He said, "By G—, that is not my time."

In a short time, perhaps two minutes, I saw him coming back accompanied by John R. Mitchell. I spoke to Inspector Carleton and we went back into the store. When I had got about 40 feet he and Mitchell came in at the front door; he, Cottrell, said in a loud voice, "You did not have the custom-house open at 9 o'clock; did he, Mitchell?" Mitchell said "No." I said I did. He said, "I want to get my things out this evening." I said to him he had promised a number of times to take his things away and had not done so, and I can not open the custom-house this evening, as it is after office hours. He says, "Do you refuse to open the custom-house this evening for me to get my things out?" I said, "I do." He says, "When will you open it?" I said, "To-morrow morning at 9 o'clock." At this time he was standing about 6 feet in front of me and John R. Mitchell beside him, to the right.

He then called to Mr. Reddick, the manager of the store, to come there, which he did. He said he wanted him to witness that I refused to open the custom-house to accommodate a gentleman. He then said to me, "Do you refuse to open the custom-house this evening." I said "I do." He then said, "Mitchell, have you got your shooting iron ready," and Mitchell said he had. He then said to him, "Mitchell, shoot the G—d d——n Republican son of a b— if he bats his eye or resents it." Most of this time he, Cottrell, had his hand under his coat-tail, apparently on his pistol. He then called me all the vile names he could think of in a loud and angry voice and said, "I will make it a hell for you and your set as long as you stay in Cedar Keys," and many other things equally as bad, using all the time the most profane oaths and vile epithets.

He was finally led to the door by Mr. Reddick, he (Mr. Reddick) telling him he would get himself into trouble with the United States, and tried to calm him down, but it only seemed to make him worse. He cursed the whole Republican party, from the President down, and dared them to try to arrest him. Among other things he said to me at this time was, that if me, or my d—d son, went on the street, even to get our mail, he would put us in jail. At this time I went back into the office of the store, and can not give a connected account of what he said, but by creditable witnesses I am informed he said, "Mitchell, you go to that corner and I will go to this, and, If he comes out, shoot him;" and Mitchell assented; and he further said to Mitchell, "If any of his family comes on the street put them in jail, and I will see that the G— d— son of a b— don't open the custom-house to-morrow."

After awhile he and his marshal went away to get more whisky, I suppose, and I made my escape home, but I saw him and Mitchell from my house guarding the street.

Mitchell had a gun that I saw myself, and I was imformed that they intended to put me in jail if I went on the street or came out of my house. He beat a colored man shamefully because he refused to go with them to take me out of my house that night, and cocked his pistol and put it to his head and forced him to go with him, but the man finally escaped him.

On the next day he abused a gentleman because he would not agree that when he (Cottrell) said he would put me in jail if I came on the street; that he (Cottrell) added drunk and tangle-legged at the time, he (Cottrell) knowing that neither my son or myself drank at all.

Col. E. J. Lutterlop, United States commissioner, was present in the store and heard Cottrell abuse and threaten me, and I applied to him for a warrant to have him arrested, but he (the United States commissioner) said there would be no use in issuing it, as there was no marshal here, and no one here would make the arrest, and advised me to go to Jacksonville, to the United States district attorney, which I did on the next day. I had much trouble in getting a dispatch to the telegraph office, as no one wanted to incur the wrath of Cottrell, and the party that finally took it did not go on the street, but waded part of the way through the surf.

I heard that Cottrell said that United States Attorney Stripling would not prosecute him, as they were particular friends, and I must say that Mr. Stripling discouraged my action in the matter, and advised me to wait till Mr. Cottrell made further demonstrations, and then I take a shot-gun and shoot him if he interfered. But through the

influence of Col. A. Lynch, register of the United States land office at Gainesville, who accompanied me, he took the complaint and had warrants issued for the arrest of the parties. Cottrell has repeatedly threatened that he would make it hot for any one that took his place. To another man he proposed that they join together and make it hot for me, saying at the same time, "You know I am mayor of the town."

Since the cutter came here the people feel comparatively safe and many things are coming to light that the people had not dared to talk about when he was here, and while newspaper accounts generally exaggerate more or less, yet I must say that all I have read in regard to Cottrell's crimes and misdemeanors are substantially correct, and much more might be told with truth. He being mayor had full police control, and Marshal J. R. Mitchell always accompanied him, especially when he was drunk, and without complaint, warrant, or trial would beat inoffensive people with his pistol and put them in jail and no record would be made of it.

On the night of the 1st of April last he and his marshal broke open the door of the bed-room of O. Bettalini, one of the town council, one of the leading citizens and a man of wealth and standing, and beat him with a pistol and took and put him in jail; kept him there until they got ready, then released him, without warrant or complaint, and no record was made of it at all. Mr. Roth, the telegraph operator, was called into a room in the custom-house building last November, and Cottrell stood with a pistol cocked and made a negro beat him. Since then he cut the same man dangerously with a knife. Mr. Roth is a sober and industrious man, and as soon as able went to the county-seat, Bronson, and tried to get a warrant to have him arrested, but the probate judge would not issue one, and nothing was done in the matter.

A few days before he made the attack on me, the Episcopal minister, Arnold, and his wife went to Tallahassee on church business. Cottrell notified the town that he would shoot the minister and cowhide his wife if they came back. Prominent parties, friends of Mr. Arnold, wrote advising him not to come back unless he could come with State protection. They also sent a statement for him to show to the governor, setting forth the condition of affairs in Cedar Keys. They showed him that Cottrell and his friends had not only terrorized the town, but that county judge or no one else would issue a warrant for his arrest, and if they did no officer would execute it, and the State solicitor had dismissed seventeen bills of indictments that had been found by the grand jury.

The governor advised the minister not to go back as it would only make trouble.

I state these cases to show you how utterly helpless the people are here; they have no protection from the law whatever.

I believe a commission should be sent here to inquire into the state of affairs. It would surely lead to some Congressional action; at least it would show up things in their true light.

J. R. Mitchell was arrested as one of the conspirators and taken to Jacksonville and put under bond of $2,000 for his appearance at the December term of the United States court. He, Mitchell, has returned here and assumed his position as city marshal, and no complaint has been made against him. The town council met last night and declared Cottrell's seat as mayor vacant, and ordered an election for the 23d of June. The Cottrell influence will control the town to that time at any rate.

Cottrell has escaped so far. We believe he is near here. Revenue cutter *McLane* has given us valuable assistance by sending out searching parties, and her presence assures us that we are safe from violence and abuse.

There is an effort being made by Cottrell's friends to compromise matters in some way, but if he is arrested and put on bail and returns here he will manage some way so there will be no witnesses to appear against him and Mitchell at court.

Many obstructions have been thrown in the way to keep Cottrell from being arrested; even the agent of the Faber Pencil Mills here refused to let a small steam-launch be used unless he was assured of $50 per day when $10 would have been more than enough.

I beg leave to suggest that one or more detectives be sent to locate and arrest and bring him to justice if possible, for there is no safety for the officials of customs or postmaster at this place. In fact I am informed he has threatened to return and kill all the Republicans in the town.

I would suggest that Mr. Bisbee, of Jacksonville, or some other good lawyer be employed to assist United States Attorney Stripling, as I learn that able counsel has been retained for Cottrell and Mitchell.

Deputy United States Marshal L'Estrange has been here making search to this time, but is ordered to Jacksonville in the morning by telegram just received, and no one is left here with authority to make an arrest.

All of which is respectfully submitted.

Yours, respectfuly,

J. H. PINKERTON, *Collector.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

AUGUST 4, 1889.

His excellency PRESIDENT OF THE UNITED STATES OF AMERICA:

In the name of an outraged people I ask an investigation of the outrageous conduct of one W. W. Cottrell, inspector of the custom-house at Cedar Keys, Fla. Every word I write can be proven and substantiated by investigation. The said W. W. Cottrell is an habitual drunkard. On the 2d July he got drunk and got one B. Baratte and a negro man to join him, all armed with breech-loading guns, revolvers, and bowie knives, dressed the negro in fancy costume, and paraded the street, cursing, blackguarding, and terrorizing the town, Cottrell being leader. Does his drinking in the custom-house. J. F. McDonald, collector, and J. I. Gore are good Christian men, but are timid and are afraid of Cottrell.

His father, who was former collector at Cedar Keys, was reported for appointing his sons to positions in custom-house, but the letter reporting was handed to W. Call, and he sent it to Cottrell, being their warm personal friends, the said W. W. Cottrell having worked, fought, and drank whisky for his election.

W. W. Cottrell made his own sister a widow. The family are the most desperate characters. They fortify themselves with whisky, get their band of white and black rowdies, and perpetrate their outrages. W. W. Cottrell, with mean whisky and intimidations, was elected mayor of Cedar Keys, to the sorrow of all good men. His marshal is too afraid of him to try and stop his outrages.

Without the consent or knowledge I give a list of names who can prove, if they will, what I have written: W. H. Anderson, J. O. Andrews, J. S. Bodiford, O. Bettilini, Jude H. Davis, R. M. Dozier, Mr. Gibson, F. E. Hall, W. Batly, W. Lockett, C. Davis, Schleimer & Son, A. E. Bery, James Richards, Dr. Walker, Dr. Thomas, Mr. Woldrige, Mr. H. Shine, Colonel Lutterlough, Jno. Lutterlough, Fred Wolfe, B. Mayson, William Guger, W. Morton, Mr. Considine, of Signal Service; Ben Coachman, A. Coachman.

I have no son or husband for him to fuss with and shoot. I expose his character.

With respect, I am,

MRS. BOSE BELL.

CUSTOM-HOUSE, CEDAR KEYS, FLA.,
Collector's Office, May 26, 1890.

SIR: I have the honor to report that on the evening of Tuesday, May 13, three deputy United States marshals arrived at Ceder Keys for the purpose of arresting W. W. Cottrell and John R. Mitchell. Cottrell made his escape and has not been seen openly since. John R. Mitchell was arrested on the morning of the 14th and taken to Jacksonville on the morning of the 15th by two of the deputy United States marshals. Mr. L'Estrange, one of the deputy United States marshals, remained until Saturday morning the 24th instant endeavoring to arrest Cottrell but did not succeed. At that time he was recalled by his chief to Jacksonville, for what cause I do not know, since which time there has been no one here authorized to make the arrest.

On the evening of the 16th the United States revenue cutter *McLane* (Captain Smyth commanding) arrived at this port and immediately tendered his assistance in protecting the customs officers in their duties and protecting the property of the United States.

On the 17th, at the request of Deputy United States Marshal L'Estrange, an armed crew, under Lieutenant Carden, accompanied him to Depot Key to assist in arresting W. W. Cottrell. While on this duty the house of L. Hodges was searched, by his permission as I am informed and believe, but they did not succeed in finding Cottrell.

On the same day, at the request of Deputy Marshal L'Estrange, an armed crew, under Lieutenant Carden, accompanied him to Cedar Keys and Piney Point in search of Cottrell, but did not find him. The house in which W. W. Cottrell's wife was staying was searched, and that night an unused ice factory on Cedar Keys was also searched by the deputy marshal, assisted by a squad of men from the cutter under Lieutenant Carden.

These three houses are all that have been searched, and permission was granted in each instance before entering, so I am informed and verily believe.

The men have at no time been more than a mile away from their vessel, and everything has been done in an orderly manner.

Armed men have been ashore but three times from the revenue cutter, and each time in charge of an officer and at the request of the deputy United States marshal, to assist him in arresting W. W. Cottrell. I am explicit in this matter, because of the many false reports that have been published, tending to bring Captain Smyth and the men under his command into disrepute.

The protection afforded by the presence of the revenue cutter has been a great source of pleasure to the loyal portion of the inhabitants of the town, and has had the effect of overawing the lawless and keeping them in order.

Yours, respectfully,

J. H. PINKERTON, *Collector.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

[Telegram.]

CEDAR KEYS, FLA., *May* 28, 1890.

Hon. SECRETARY OF TREASURY,
Washington, D. C.:

Everything quiet at Cedar Keys. Will leave with my command at Key West to-morrow, 29th instant, returning if called up by Collector Pinkerton and at frequent and uncertain intervals.

THOS. S. SMYTH,
Captain, United States Revenue Marine.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 145.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication from the Commissioner of Indian Affairs relative to certain sums of money appropriated by the Cherokee Nation in violation of treaty obligations.

JUNE 7, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1890.

SIR: In compliance with the provisions contained in the Indian appropriation act of March 2, 1889 (25 Stat. 994), authorizing and directing the Secretary of the Interior "to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same," I have the honor to transmit herewith copy of a communication of 3d instant from the Commissioner of Indian Affairs, and its inclosures.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 3, 1890.

SIR: I have the honor to report that, under date of March 15 last, this office addressed a communication to Agent Bennett of the Union Agency, in the Indian Territory, calling his attention to the provision of the act of Congress approved March 2, 1889 (25 Stat., 994) relative to the appropriation of money by the Cherokee Nation in violation of treaty stipulation.

The act referred to provides as follows:

And said Secretary [of the Interior] is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedom in said nation, and what sum would be required to secure said freedom those treaty rights in respect to the same.

In order to enable this office to make an intelligent report to the Department upon the matter, Agent Bennett was directed, in the communication from this office above referred to, to endeavor to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest the source from which such funds were derived, the purpose for which they were appropriated, and if paid out per capita, the persons or class of citizens of said nation receiving such payments, and the amount per capita of each payment.

Agent Bennett replied, under date of May 16 last, setting forth that on March 18, following the receipt of office letter above referred to, he furnished the national treasurer of the Cherokee Nation with a copy of the same and requested him to furnish the information desired, but that he had recieved no reply to his request.

Under date of May 19, ultimo, Agent Bennett transmitted to this office a letter addressed to him, under date of the 12th ultimo, by R. B. Ross, esq., treasurer of the Cherokee Nation, wherein that official acknowledges the receipt of the several communications of the agent, and also a copy of the letter from this office, above referred to, but he refuses to furnish the information requested upon the ground that the object for which it is sought is not stated. Mr. Ross adds, however, that he does not know of any appropriation of funds by the said nation in violation of treaty obligations.

It is understood by this office that considerable sums of money have been paid into the treasury of the Cherokee Nation, as the proceeds of certain leases of the Cherokee outlet lands, and it is also understood that a large portion of the funds so received has been appropriated by said nation to the exclusion of the freedmen, Delaware, and Shawnee citizens thereof, but there is no official information relative to said receipts and appropriations on file here.

With regard to the disposition of the funds then due the Cherokee Nation or thereafter accruing from the sale of its lands by the United States, the twenty-third article of the treaty between said nation and the United States provides as follows:

All funds now due the nation, or that may hereafter accrue from the sale of their lands by the United States as hereinbefore provided for, shall be invested in United States registered stocks at their current value, and the interest on all said funds shall be paid semi-annually on the order of the Cherokee Nation, and shall be applied to the following purposes, to-wit: Thirty-five per cent. shall be applied for the support of the common schools of the nation and educational purposes; fifteen per cent. for the orphan fund, and fifty per cent. for general purposes, including reasonable salaries of district officers; and the Secretary of the Interior, with the approval of the President of the United States, may pay out of the fund due the nation, on the order of the national council or a delegation duly authorized by it, such amount as he may deem necessary to meet outstanding obligations of the Cherokee Nation, caused by the suspension of the payment of their annuities, not to exceed the sum of one hundred and fifty thousand dollars.

With regard to the provisions of the act of March 2, above quoted, I have the honor to state that the "inquiry" therein directed has been made as herein set forth, and copies of all the correspondence upon the subject are herewith inclosed with the recommendation that the matter be laid before Congress for such further action as may be deemed necessary by that body.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 15, 1890.

SIR: Your attention is invited to a requirement in the act of Congress approved March 2, 1889, which provides as follows:

And said Secretary [of the Interior] is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same. (25 Stats., 994.)

In order to enable this office to render an intelligent report to the Department upon the matter, you will endeavor to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest, the source from which such funds were derived, the purpose for which they were appropriated, and, if paid out per capita, the persons or class of citizens of said nation receiving such payments and the amount per capita of each payment.

It is desirable that you make a full and complete report upon the matter for the information of this office and the Department.

Very respectfully,

T. J. MORGAN,
Commissioner.

LEO. E. BENNETT, esq.,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

TREASURY DEPARTMENT, CHEROKEE NATION,
Tahlequah, Ind. T., May 12, 1890.

DEAR SIR: I have the honor to acknowledge the receipt of your notes—three in number, dated respectively March 18, April 14, and May 8, 1890, in regard to the disposition by this nation of funds in which the Cherokee freedmen claim an interest, as stated in your letter of the 18th March.

Under date of March 18, 1890, you inform me that under date of the 15th instant (March), "the honorable Commissioner of Indian Affairs calls the attention of this (your) office to the following extract from the act of Congress approved March 2, 1889:

"And said Secretary (of the Interior) is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same."

Also, that "The Commissioner further directs me (you) to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest, the source from which such funds were derived, the purpose for which they were appropriated, and, if paid out per capita, the persons or class of citizens of said nation receiving such payments, and the amount per capita of each payment."

To what end this information is sought for at my hands you do not state, and in the absence of which I feel that I commit no breach of etiquette in declining to answer. I will, however, say that I am not aware of the Cherokee Nation having appropriated any of her funds in violation of treaty obligations.

More I need not add until I am better informed as to the scope and aim of your inquiry.

I have the honor to be, yours very respectfully,

ROBT. B. ROSS,
Treasurer Cherokee Nation.

Hon. LEO E. BENNETT,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., May 16, 1890.

SIR: I have the honor to report, having received your communication of March 16, 1890, relative to information required by act of Congress approved March 2, 1889, in reference to the Cherokee freedmen. On March 18, 1890, a copy of this communication was transmitted to Hon. R. B. Ross, national treasurer of the Cherokee Nation. On April 14 I again wrote Mr. Ross, and on May 8 another communication, requesting and urging him to furnish the information called for by you. As yet I have had no reply, and it is my opinion that it is the intention of the Cherokee authorities to not furnish information called for. I will, however, make another effort, the result of which I will advise you.

Very respectfully, your obedient servant,

LEO E. BENNETT,
United States Indian Agent

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., May 19, 1890.

SIR: Referring to Indian Office letter of March 15, 1890, and to agency letter of May 16 instant, I have the honor to transmit herewith a communication from Hon. R. B. Ross, treasurer of the Cherokee Nation.

Very respectfully, your obedient servant,

LEO E. BENNETT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 146.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for salaries, General Land Office, and for rent of buildings for additional force, etc.

JUNE 10, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *June* 9, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior, of the 6th instant, submitting a supplemental estimate of appropriation for salaries, General Land Office, and for rent of buildings for the accommodation of the proposed additional force of employés for the fiscal year ending June 30, 1891.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 6, 1890.

SIR: I have the honor to transmit herewith a supplemental estimate of appropriation for "salaries, General Land Office," for the ensuing fiscal year, amounting to $80,620, and request that the Legislative, Executive, and Judicial appropriation bill, now pending in the United States Senate, be so amended as to embrace the additional clerks asked for, as well as the item of $6,000 for rent of buildings for the accommodation of the proposed additional force of employés.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the General Land Office.

Salaries, General Land Office (additional clerks, to H. R. bill 9066):	
Four clerks of class 4 (R. S., page 27, sec. 167, 9; act February 26, 1889, vol. 25, p. 735, sec. 1)	$7,200
Eight clerks of class 3 (same acts)	12,800
Fifteen clerks of class 2 (same acts)	21,000
Fifteen clerks of class 1 (same acts)	18,000
Five clerks of $1,000 each (same acts)	5,000
Five copyists at $900 each (same acts)	4,500
Ten copyists at $720 each (same acts)	7,200
Five assistant messengers at $720 each (same acts)	3,600
Two laborers at $660 each (same acts)	1,320
	80,620
Rent of buildings, General Land Office:	
For rent of building, including heat and lights (submitted)	6,000
Total	86,620

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1890.

SIR: I have the honor to state a fact of which you are doubtless well aware, that the space occupied in this building is entirely inadequate for the accommodation of the clerical force, the record and files, and for the proper transaction of public business.

An increase in the clerical force is also urgently demanded by considerations of public interest, and it is hoped that Congress will make suitable provisions in this respect; but to render available and serviceable such additional force, some provision for additional room will be needed.

There are one or two divisions which might, without very serious inconvenience, be located in other quarters near and easily accessible. As the result of some inquiry, I find that rooms in buildings now erected or in process of erection in near proximity to this office may be had, sufficient to accommodate seventy-five or more clerks at a reasonable rental.

I respectfully recommend that the attention of Congress, through the respective committees, be called to this matter, with the view to obtain an increase of clerical force urgently required and for an appropriation for the rental of proper quarters for their accommodation.

I inclose herewith a copy of a communication addressed to Hon. L. E. Payson, House of Representatives, in compliance with his request, showing the increase in the clerical force required, also a copy of my communication to you of May 3, 1890.

If it is decided that rooms shall be provided for the accommodation of seventy-five clerks in another building, an increase in the force by that number and three assistant messengers and two laborers is earnestly recommended in addition to the number now employed in this office.

Upon inquiry it is ascertained that safe and suitable quarters may be leased sufficient for the accommodation of seventy-five clerks for an annual rental of about $6,000, including heat and light, and I recommend an appropriation of that sum for the purpose indicated, or so much thereof as may be necessary, for the ensuing fiscal year.

I append a table showing the present force and the increase desired, according to the respective grades in which their services would be utilized.

Very respectfully,

W. M. STONE,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Present force and increase desired.

Grade.	Salaries.	Present force.	Provided by House bill.	Further addition now asked.	Force as it is required.
Commissioner	$4,000	1	1	.....	1
Assistant Commissioner	3,000	1	1	.....	1
Chief clerk	2,250	1	1	.....	1
Law clerks	2,200	2	2	.....	2
Inspectors	2,000	3	3	.....	3
Recorder	2,000	1	1	.....	1
Law examiners	2,000	2	2	.....	2
Principal clerks	1,800	3	3	.....	3
Principal examiners	2,000	10	10	.....	10
Clerks:					
Class 4	1,800	40	40	4	44
Class 3	1,600	60	62	8	70
Class 2	1,400	70	72	15	87
Class 1	1,200	75	78	15	93
Class $1,000	1,000	55	56	5	61
Copyists, $900	900	50	55	5	60
Copyists, $720	720	.....	.....	10	10
Messengers	840	.....	2	.....	2
Assistant messengers	720	9	9	5	14
Packers	720	6	6	.....	6
Laborers	660	12	12	2	14
Total	.....	401	416	69	485

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 19, 1890.

SIR: I have the honor to state that the provisions made in the legislative bill for the ensuing fiscal year for an increase in the clerical force of this office will be inadequate for the actual necessities of the public service.

The clerical force has not, until within the past few months, kept abreast of current business received. Under improved methods recently adopted, and with the degree of industry and efficiency which now characterizes the work of this bureau, there is a decided increase of business accomplished in excess of new business received. To illustrate, within the last six months over 60,000 more final entries have been approved than have been received. But there are still 240,000 final entries in this office awaiting action. To dispose of this mass of entries would require the utmost diligence on the part of the whole office force for many months, providing no further entries were received. But the number of entries received continues without reduction, and the establishment of the several new offices by recent legislation will, it is believed, augment the aggregate of current work, and the arrearages will probably remain for an indefinite period unless relief is afforded, thus jeopardizing and imperiling the interest of settlers, and causing them much hardship, expense, and inconvenience.

A careful estimate indicates that this office is unable, with the prospective space available, to accommodate the full number of additional clerical force demanded by the best interests of the public service, but it is my conviction that a net increase of at least fifty clerks should be provided for in the pending appropriation bill. Some of the work requires talent and acquirements above the average, and it is only by the payment of adequate salaries that such can be secured.

The classification of the fifty clerks and copyists required should be as follows:

Class 4, four; class 3, ten; class 2, ten; class 1, six; class $1,000, five; copyists at $900, five; copyists at $800, ten; making an increase of thirty-five over the number provided in the appropriation bill as introduced.

As an indication of public sentiment bearing upon the matter, I inclose a clipping from the San Francisco Chronicle of April 4, 1890.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

Hon. L. E. PAYSON,
House of Representatives.

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51ST CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 147.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Copies of communications received from the First and Fourth Auditors of the Treasury and from the Assistant Treasurer of the United States at Cincinnati, Ohio, requesting that additional force be provided for the prompt disposal of the business of their respective offices, etc.

JUNE 10, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., June 10, 1890.

SIR: I have the honor to transmit herewith for consideration in connection with the legislative, executive, and judicial appropriation bill, now pending before the Committee on Appropriations of the Senate, copies of communications received from the First and Fourth Auditors of the Treasury and from the Assistant Treasurer of the United States at Cincinnati, Ohio, requesting that additional force be provided for the prompt disposal of the business of their respective offices. The Assistant Treasurer of the United States at St. Louis, Mo., also makes a strong plea in favor of an increase in the salary of his assistant teller from $1,800 to $2,100 per annum.

From statements and arguments made to me not only by the officers directly interested but by others fully competent to judge of the merits and necessities of these particular cases I am fully satisfied that the requirements of the service justify me in laying the matter before Congress for its prompt and favorable consideration.

The additions asked for are as follows:

Office of First Auditor.—One chief of division at $2,000 per annum; one clerk of class 4; one clerk of class 3; one clerk of class 2, and one messenger in lieu of one assistant messenger.

Office of Fourth Auditor.—One clerk of class 4 in addition to one clerk of same grade already estimated for.

Office of Assistant Treasurer at Cincinnati, Ohio.—Assistant to coin and receiving teller, $1,200; one watchman, $720; additional to cashier, $500; additional to receiving teller, $300; additional to coin teller, $500; additional to messenger, $400.

Office of Assistant Treasurer at St. Louis, Mo.— Additional to assistant teller, $300.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
Washington, D. C., June 2, 1890.

SIR: I have the honor to call your particular attention to the necessity for an increase in the clerical force of this office. You will doubtless recollect that this matter was set forth by me in a communication addressed to you under date of October 1, 1889, in submitting my estimate for appropriations required for this office for the fiscal year ending June 30, 1891. As it is understood that the recommendations contained in the letter referred to were not accepted by you and favorably acted upon in recommending the desired, and as I think very much needed, increase of force, it is thought best to again address you on the subject in the hope of being able to so present the matter to your mind as to induce you to recommend favorable action by Congress in the direction sought. No addition to the force of the office has been made since 1885, when Congress increased the number of clerks by four. Since the additional clerks referred to were allowed the work of the office has been augmented very much in various directions, notable among which I name establishing additional judicial district of Southern California, the subdivision of the western district of Missouri, the division of the late Territory of Dakota into two States, the creation of the district of the Indian Territory, also the Territory of Oklahoma and the Territory of Alaska. The passage by Congress of the Chinese exclusion act has largely increased the work in the examination of judicial accounts from various localities.

By reference to the sundry civil act of March 2, 1889, wherein appropriation for "fees and expenses marshals United States courts," 1890, is made, it will be observed that it is provided that a large proportion of said appropriation must, if used at all, be paid out as provided by section 856, Revised Statutes, or, in other words, on settled accounts at the Treasury of the United States. This increases the work devolving upon this office very much. All accounts for appropriations for public buildings in the United States are settled in this office. As you are aware, Congress has made appropriations during the past few years for a very large number of these buildings. The present Congress has already made a good many such appropriations and doubtless will make more, thus adding to the work of the office, as a disbursing officer is appointed to disburse such appropriations, and in most cases for each individual appropriation, thus largely multiplying the rendition of accounts for settlement. The establishing of the Bureau of Labor has largely added to the work of the office, as all payments made by the disbursing officer for that bureau are audited in this office. The Interstate Commerce Commission, established in 1887, made the rendition and examination of a new series of accounts necessary to this office.

The appropriation by Congress establishing a zoological park in the District of Columbia, the appropriation for a new library building, and the probable passage of the act creating Columbus Park, together with the fact that the appropriations for the expenses of the District of Columbia have increased from $3,500,000 in 1879 to nearly $6,000,000 for the present year, shows the great increase of work in connection with appropriations for the District of Columbia alone. New customs districts are constantly being made throughout the United States, which adds to the work of the office. In fine, it is a fact that the business of the office must and does increase with the growth of the country, as all of the civil accounts of the Government, with but few exceptions, are audited in this office.

For reasons herein given, showing to my mind conclusively the great necessity and benefit to the public service, I have the honor to earnestly request that you will recommend to Congress the following-named additional force in this office, viz: One chief of division, one fourth-class clerk, one third-class clerk, one second-class clerk.

In my letter of October 1, 1889, before referred to, I very earnestly recommended an appropriation for a messenger in place of an assistant messenger, as now provided by law, in this office, and I beg to invite your particular attention to that matter again in the hope of favorable action by you.

Very respectfully,

GEO. P. FISHER,
Auditor.

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., June 2, 1890.

SIR: In my annual report I asked for an increase of four clerks of class four.

In your estimate to Congress you recommended one additional clerk of that class.

I appeared before the Senate Committee on Appropriations and explained the necessity for the increase of force. I believe that they were satisfied that my request was based upon an urgent need, although they did not see how they could grant what you had not recommended.

You will see from the inclosed letters of division chiefs in this Bureau that some increase is essential to expedite public business. If I can get two additional clerks of class 4 instead of one, this will be of material assistance, not only in bringing up the work but also in keeping it up. I hope that you will transmit this request, with your approval, to the Senate Committee on Appropriations.

When I took charge of this office answers to letters of inquiry from the Pension Bureau and from the Navy Department requesting information relative to the status of seamen and marines were from six to twelve months in arrears. That work has been brought practically up to date, but it could be done only through a corresponding neglect of work in other divisions of the Bureau.

The work of the claims division also was far in arrears and is still.

In the paymasters' division, which is one of the most important, the same condition of things exist, the work being about six months in arrears. The clerks in that division have been directed to labor an extra hour a day in order to keep the work from falling almost hopelessly behind.

I submit this statement of facts for your consideration.

Respectfully,

JOHN R. LYNCH,
Auditor.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., June 2, 1890.

SIR: In compliance with your directions of the 2d instant for a report on the general condition of this division I have to state that every employé under my immediate charge is working to the fullest strain of his or her ability, and has been so for fully a year past; some, indeed, are working beyond their strength, doing more than they can sustain for any length of time.

The copying of the press copies into permanent record-books has been cut down to the lowest limits compatible with propriety, but the service of one or more copyist is urgently needed to bring and to keep the work up; it is now six months in arrears. No further reduction in the number of letters copied should be permitted.

The work of tracing the records and furnishing the service of the men of the Navy to the Pension Office, Navy and War Departments, is increasing; the law of August 14, 1888, removing the mark of desertion, and the act of the present session giving a copy of discharge to men late of the Navy—who have lost the originals—have greatly added to the work of the division, as nearly every case will require a search and report to the Navy Department. Every extension of the pension laws causes an increase of work; so that the supply of information to the Department has grown to a volume requiring constant attention and urging to keep in control. No extra force has been given the office for this increased and increasing work. Should the service pension bill now before Congress become a law, extra force must be given or the beneficiaries under the act be kept waiting an indefinite period for the reports of their service.

Very respectfully.

B. P. MIMMACK,
In Charge of Record Division.

The FOURTH AUDITOR,
Treasury Department.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., May 31, 1890.

SIR: I have the honor to call your attention to the necessity of an additional clerk in this division.

There are a large number of claims on file that can not be properly settled without an examination of the records, embracing a period of from twenty-five to thirty years, and if a clerk were assigned to that duty he would be able to furnish a transcript so that those employed in the settlement of claims would not be compelled to delay their work by visiting the file-room for the purpose of obtaining information.

Formerly very little delay was involved in the examination of the records, but since the close of the war it has become absolutely necessary to examine a vast number of vouchers and papers, in order to protect the interest of the Government and to avoid erroneous payments.

The expense attending the appointment of a clerk for the purpose indicated is insignificant when considered in connection with the importance of the service he will be able to render.

I am, sir, respectfully,

ROBERT KEARON,
Chief of General Claims Division.

Hon. JOHN R. LYNCH,
Fourth Auditor.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., May 31, 1890.

SIR: I have the honor to call your attention to the unsatisfactory condition of the work in this division of your office, and although the clerks are working an extra hour each day, the work is still accumulating and many complaints are being made from those having accounts for settlement at the delay. Especially is this the case of paymaster Goodloe, of the U. S. Marine Corps, in his request for relief from Congress for the amount alleged to have been stolen by his late clerk. (See Senate Report No. 636, Fifty-first Congress, first session.)

The requirements in the examination of accounts in this division have been increased fully 40 per cent. by Navy Department regulation circulars Nos. 48, 49, 60,

and act of Congress approved February 9, 1889, relative to deposits of savings of seamen of the U. S. Navy, without any increase of force; in fact two of the most experienced clerks have been withdrawn from this, in order to bring up the work of other divisions of the office. I would therefore recommend that I be allowed two experienced accountants in order that the work may be brought up and the just ground of complaint discontinued.

Very respectfully,

L. K. BROWN,
Chief of Paymaster's Division.

Hon. JOHN R. LYNCH,
Fourth Auditor of the Treasury.

OFFICE OF ASSISTANT TREASURER UNITED STATES,
Cincinnati, Ohio, April 11, 1890.

DEAR SIR: * * * The office force as now constituted is inadequate for the prompt, safe, and efficient carrying on of its business, as it has not been added to for more than sixteen years, although the volume of the business transacted in the meantime has been triplicated. Neither has the compensation of the various employés been increased during that time.

The duties of the cashier who occupies the dual position of paying teller and acting assistant treasurer are such that his presence is continually required from 8.30 a. m. until 5 p. m. daily without intermission. With his increased responsibilities and duties, his salary should not be less than $2,500 per annum.

As the reports of over 2,200 postmasters are received at this office for the first twenty days of each month, the receiving teller is required to report for duty at 7.30 a. m. and work continuously without intermission until after 5 p. m., notwithstanding which he is unable to promptly perform the work pertaining to his department satisfactorily, and we are necessarily compelled to sign receipts for money to the various banks that can not be counted for two or three days after it has been received. This employé has been connected with the office for the past twenty years, and is considered one of the best judges of counterfeit money in the country. His knowledge of the business and the responsibility of the position entitle him, in my opinion, to a salary of not less than $1,800 per year. He now receives but $1,500.

The messenger, also a very valuable man long connected with the service, thoroughly honest, competent, and reliable, is required, in addition to his own specific duties, to act as assistant coin teller, receiving, sacking, weighing, and preparing all moneys for shipment. His salary should be not less than that paid the messenger at St. Louis, namely, $1,000 per annum. At present it is but $600.

There are but two watchmen allowed for the protection of this office, and yet I find it absolutely necessary to utilize the services of each as clerks in order that the business may be facilitated. The day watchman is required to report for duty at 6 o'clock a. m., and to remain until 6 o'clock p. m., and the night watchman at 6 p m. and remain until 6 a. m., or twelve hours each day for three hundred and sixty-five days in the year. Hence I have no hesitancy whatever in saying that the appointment of another watchman is absolutely necessary for the safety and protection of the office.

I therefore desire to submit for your consideration a revised list of the salaries of the employés of this Department as follows:

	Salaries.	Increase.
Assistant treasurer	$4,500	.....
Cashier	2,500	$500
Book-keeper	1,800	.....
Receiving teller	1,800	300
Interest clerk	1,200	.....
Check clerk	1,200	.....
Clerk and assistant book-keeper	1,200	.....
Coin teller	1,500	500
Assistant to coin and receiving teller	1,200	*1,200
Messenger	1,000	400
Watchman	720	.....
Do	720	.....
Do	720	*720
Total	20,060	3,620

*Additional.

The services of the watchman of the Metropolitan Police force, who now receives compensation of $10 per month, in case an additional watchman is employed, can be dispensed with, thereby saving $120 per year, which will make the net increase in salaries, $3,500 per annum.

Yours, truly,

SAML. BAILEY,
Assistant United States Treasurer.

Hon. J. N. HUSTON,
Treasurer of the United States, Washington, D. C.

[Indorsement.]

The SECRETARY OF THE TREASURY:

I called upon the writer, your assistant United States treasurer at Cincinnati, Mr. Bailey, and am well satisfied the demands he makes are reasonable and just and that he should be supplied with the additional force asked for and that the compensation recommended for his clerks is not equal to salaries paid for like services outside. I would urge immediate attention to this matter as I am confident the exigencies should demand it.

Very respectfully, yours,

J. N. HUSTON,
Treasurer, United States.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 148.

LETTER

FROM

THE ACTING SECRETARY OF WAR,

TRANSMITTING

Letter of Chief of Engineers, together with report of engineer in charge of improvements of Patapsco River, in response to resolution of the Senate of June 4, 1890.

JUNE 11, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, June 10, 1890.

The Acting Secretary of War has the honor to transmit to the Senate a letter from the officer in charge of the office of the Chief of Engineers, dated the 9th instant, together with a copy of a report from the engineer officer in charge of the improvement of the Patapsco River, in response to resolution of June 4, 1890, as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate any information that may be in his Department relative to the necessity for the improvement of the water-way from the Patapsco River, Maryland, to Curtis Bay, with any recommendations or estimates in relation thereto, made by the United States engineer in charge.

J. M. SCHOFIELD,
Major-General, Acting Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 9, 1890.

SIR: I have the honor to acknowledge receipt of resolution of the 4th instant from the Senate of the United States directing the Secretary of War "to transmit to the Senate any information that may be in his Department relative to the necessity for the improvement of the water-way from the Patapsco River, Maryland, to Curtis Bay, with any recommendations or estimates in relation thereto made by the United States engineer in charge," and in reply to its reference to this office beg to submit the accompanying copy of report of the 7th instant from Col. William P. Craighill, Corps of Engineers, the officer in charge of improvement of Patapsco River, from which it would be seen that to con-

nect Curtis Bay or Creek with the main channel of entrance to Baltimore would require an excavation about 1 mile in length, estimated to cost $25,000.

Very respectfully, your obedient servant,

H. M. ADAMS,
Major, Corps of Engineers, in charge.

Hon. REDFIELD PROCTOR,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., June 7, 1890.

GENERAL: I have the honor to report on Senate resolution of June 4, 1890, in the following words:

Resolved, That the Secretary of War be directed to transmit to the Senate any information that may be in his Department relative to the necessity for the improvement of the water-way from Patapsco River, Maryland, to Curtis Bay, with any recommendations or estimates in relation thereto made by the United States engineer in charge—

referred to me by your indorsement of June 6, 1890, received to-day.

Curtis Bay or Creek is a tributary of the Patapsco near Baltimore, between Hawkins and Fishing points. It is a small but excellent harbor with a depth of 25 feet at mean low water. Its position is clearly shown on Coast Survey chart 384 of Patapsco River and Baltimore Harbor.

Its importance has lately much increased, especially since the erection there of a large sugar refinery.

To connect it with the main channel of entrance to Baltimore would require an excavation about 1 mile in length. To make this 25 feet deep, the depth of Curtis Bay, and 150 feet wide, would cost $25,000.

Very respectfully, your obedient servant,

WILLIAM P. CRAIGHILL,
Colonel, Corps of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

C

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 149.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

REQUESTING

An additional appropriation of $110,000 to provide for heating apparatus, approaches, and elevators for the United States custom-house and post-office at Pittsburgh, Pa.

JUNE 13, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., June 12, 1890.

SIR: I have the honor to request that an appropriation of $110,000 be made at this session of Congress to provide for the heating apparatus, approaches, and elevators for the United States court-house and post-office at Pittsburgh, Pa., in addition to the $1,800,000 heretofore fixed by acts of Congress as the limit of cost of said building.

In this connection I may state that the limit of cost of the site and building has several times been increased, until finally established at $1,800,000, on account of which appropriations have at different times been made which aggregate $1,550,600, and an appropriation of $249,000, the balance under said limit of cost, has been asked in the annual estimates of appropriations now under consideration by Congress.

The estimates which have been approved in accordance with law under the amount heretofore fixed as the limit of cost did not include the items of heating apparatus, approaches, and elevator service for the building, for which an additional appropriation of $110,000 is above requested, as it is desired that this branch of the work shall be placed under contract as soon as possible, in order to secure the completion of the building ready for occupation by the post-office on or before December, 1890.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

Hon. LEVI P. MORTON,
President of the Senate.

51st Congress, 1st Session. | SENATE | Ex. Doc. No. 150.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Secretary of State, with inclosure, respecting the needs of the United States and Venezuelan Claims Commission in the way of clerical assistance.

JUNE 13, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
June 12, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 9th instant, and its inclosure, respecting the needs of the United States and Venezuelan Claims Commission in the way of clerical assistance and other expenses.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF STATE,
Washington, June 9, 1890.

SIR: I have the honor to inclose herewith a letter from the chairman of the United States and Venezuelan Claims Commission respecting the needs of the Commission in the way of clerical assistance and other contingent expenses.

It is estimated that the sum of $3,000 will be required to meet these needs.

In this connection I have to state that no provision has been made for the compensation of the agent of the United States before the Commission. I have therefore the honor to request that you will make application to Congress for an appropriation of $3,000 for contingent expenses of the Commission, including clerk-hire, to be expended under the direction of the commissioners and discretion of the Secretary of State, and for an appropriation of $6,000 for the compensation of the agent of the United States.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

UNITED STATES AND VENEZUELAN CLAIMS COMMISSION, 1317 F STREET,
Washington, June 9, 1890.

SIR: Less than three months now remain of the year within which, under the convention between the United States and Venezuela, the labors of this Commission must come to an end and certain clerical work connected therewith be completed.

The cases remaining to be disposed of are such that nearly all the time of the present clerical force of the Commission will be occupied henceforth in making searches among the archives of the Department, and in translating *expedientes* sent to the Commission by the Venezuelan Government, and other documents. As a consequence, the clerical work of making in duplicate, and in the two languages, the minutes, docket, and other record books, will be behindhand.

The present condition of the contingent expense fund at the disposal of the Commission is such that at the current rate of expenditure it will be exhausted on or before the 31st of August next. No part of that fund, it is understood, is available for clerk-hire.

I have, therefore, the honor to suggest that you will be pleased to ask Congress to appropriate a sum sufficient to enable the Commission to employ two copyists, from the 15th instant up to such time as the clerical work above mentioned is completed, as well as to meet any deficiency that may meanwhile occur in said contingent expense fund.

I have the honor to be, sir, your obedient servant,

JOHN LITTLE,
Chairman of the Commission.

Hon. JAMES G. BLAINE,
Secretary of State, Washington.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 151.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report of the Chief of Engineers relating to completion of the tunnel between the two reservoirs in the District of Columbia.

JUNE 14, 1890.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington, June 14, 1890.

The Secretary of War has the honor to transmit to the Senate a report of the Chief of Engineers, dated the 12th instant, in response to Senate resolution of the 2d ultimo, as follows:

Resolved, That the Secretary of War is hereby directed to report to the Senate upon the feasibility of completing the tunnel in process of construction between the two reservoirs in the District of Columbia and the estimated cost thereof; also the practicability of placing iron pipes in the tunnel sufficient to carry the necessary water supply to the new reservoir and the cost thereof.

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 12, 1890.

SIR: I have the honor to return herewith Senate resolution of May 2, 1890, in the following terms:

Resolved, That the Secretary of War is hereby directed to report to the Senate upon the feasibility of completing the tunnel in process of construction between the two reservoirs in the District of Columbia, and the estimated cost thereof; also the practicability of placing iron pipes in the tunnel sufficient to carry the necessary water supply to the new reservoir and the cost thereof.

The subject of the completion of the tunnel between the distributing and new reservoirs was discussed in the report of the joint select committee created by a concurrent resolution of the two houses of Congress of October 8, 1888. The report, dated February 26, 1889, is to be found in Senate Report No. 2686, Fiftieth Congress, second session.

The opinions of the joint select committee upon the subject of the completion of the tunnel are as follows:

From the nature of the work, from the ev idence taken, and from the report of the experts employed by the committee, the co mmittee is of the opinion that it will cost probably $900,000 to put the tunnel in the condition in which it should be, mechanic-

ally, to carry the water from one reservoir to the other, and the committee thinks that when the work is put into this condition the dangers will be still great, as stated in the report of the expert engineers. These dangers may be stated to be:

(1) The danger of percolation of water through the lining outward, causing a greater or less loss of supply at the distributing reservoir;

(2) The consequent danger of injury to property from the constant carrying of water outward into the surrounding rocks full of fissures, seams, and of soft and decomposing material and emerging somewhere in the city;

(3) As thought by some members of the committee, the danger, when there may be pressure from accidents or the emptying of the reservoirs, or at points where the ordinary pressure is less, of the water in the ground and surrounding rocks mixing with the water from the reservoir and thus polluting it;

(4) The extreme difficulty of repair in case of any accident; and

(5) The extreme difficulty of cleaning the tunnel and removing any sediment which in the long run is likely to accumulate in it.

To make provision for most of these contingencies would require a constant outlay in building and keeping up a powerful pumping apparatus always ready for action, and the great length of time required to make repairs, during which time of course the tunnel would be useless for carrying water, or else taking the risk of all accidents and casualties and making no provision for them at all, and thus very greatly increasing the length of time when the supply would be stopped, during which the means should be prepared and put in operation for clearing the tunnel and surrounding rocks of water for such repairs.

The committee has been unable to learn, either from the testimony or otherwise, that any such means of carrying water, under a city or elsewhere, at such great depths and under such enormous pressure, have ever been resorted to in practice. The future of the tunnel, therefore, when another very large sum shall have been expended upon it, will be a problem that nothing but time and experience can demonstrate either for good or ill.

It is plain to the committee that such a work for such a purpose would never have been resorted to had the matter been brought under the consideration of a board of engineers at the time the work was undertaken, and would not now be resorted to by any intelligent and responsible body of persons, in comparison with the well-known and long-tried method of conducting water by a substantially flowing and gravity conduit at or near the surface of the ground, and under the very slightest pressure, both internally and externally, always accessible for immediate repair, and capable of construction at a cost far less for a given distance.

We think, therefore, that the fact that so great an amount of money has already been expended upon the tunnel does not furnish an adequate reason for spending a still further very large amount, subject to all the known and unknown contingencies that may occur in respect of it; and the committee thinks this is particularly true when a supply can be obtained and maintained under known conditions, and with no uncertain elements, for a sum not much exceeding what will doubtless be required to put the tunnel in the condition described. The question is really one whether Congress shall now expend substantially the same amount of money for the work which, when completed, will be open to all the doubts and difficulties, as well as expense in the future, already referred to in regard to the tunnel, or whether it will expend it for a similar supply of water in a way that leaves nothing open to uncertainty.

We think the answer to this question should be against spending any more money in respect of the tunnel under existing circumstances, and that for the present at least it should be left in the condition in which it is.

It will be noted that the dangers anticipated by the committee are arranged under five heads:

(1) The danger of percolation of water outward through the lining, causing a loss of supply at the distributing reservoir.

(2) The danger of injury to property from this outward percolation.

(3) The danger of the water in the ground and surrounding rocks mixing with the water from the reservoir. (Committee divided.)

(4) The extreme difficulty of repair in case of accident.

(5) The extreme difficulty of cleaning the tunnel and removing sediment.

In arriving at these conclusions from evidence taken, the Joint Select Committee had the testimony and counsel of a board of three civil engineers whose report is contained in the Executive Document above mentioned, pages 15–32. After a careful study of the report of this

board of experts it would seem that the fourth and fifth objections, which concern access to the tunnel, are not insuperable. Mechanism can be devised to clear the tunnel of water and means secured to remove the deposits in the lower parts of the conduit. Even without these appliances, the clearing the tunnel of water and the doing of work inside it will probably be only necessary at long intervals of time, and as the city is now well supplied with water through a system of iron mains, the temporary disuse of the tunnel for the purpose of repairs of cleaning, would not be as serious a matter as it would be if the city had to depend upon the tunnel alone, or in major part, for its water supply.

Should the tunnel be put in use and the new reservoir filled, it is calculated that the daily supply to the city would be about equal from the two reservoirs, and until the consumption surpassed 50,000,000 gallons per day, no inconvenience would arise from the disuse of the new reservoir for a few weeks at a time. When the consumption of the city rises to 60,000,000 of gallons per day (about the capacity of the present conduit from Great Falls with the water at the present levels) 30,000,000 gallons per day would pass from the distributing to the new reservoir at the highest levels, even if the tunnel should be silted so that the cross-section of the conduit was reduced to one-half its present size. In the past fifteen years the sediment deposited in the bottom of the lower basin of the distributing reservoir has not exceeded 6 inches in thickness, and it is fair to assume that such a deposit would not accumulate in the tunnel in the same length of time.

The third objection concerns the seepage of water through the ground and into the tunnel. This can undoubtedly take place, but when the tunnel is filled from, and is in connection with the distributing reservoir, the water in which stands at 146 feet above datum, the pressure from within outwards will be sufficient to force the water in the tunnel to a level of say 145 feet, and such portions of the ground as are over the tunnel, and below that level, will be liable to develop springs, the waters of which are coming from the tunnel. These pieces of ground above the tunnel lie in the valleys of streams, and between ridges, the waters from which, drain into these valleys, and are prevented from uniting with the waters of the tunnel by the outward pressure. Should any of the fissures communicating with the tunnel extend into grounds having an elevation of over 145 feet, it is possible that the waters from these grounds could unite with the water in the conduit. But the amount of this water, as compared with the quantity of water in the tunnel is insignificant, and would have no effect upon the purity of the water passing in the tunnel. If this view is correct, the third objection to completing the tunnel can have but little weight.

The first and second objections relate to the percolation of water outwards through the lining and its appearance upon and near the surface of the ground; the consequent loss or waste of water from the distributing reservoir and damage to adjacent property. It is evident from the report of the board of experts that no masonry lining can be constructed in this tunnel that will be water-tight, subjected, as it will be, to large hydraulic pressure. Indeed, it is not known that any such quality was anticipated for the lining. Its object was to hold up the seamy and disorganized rock through which the tunnel passed, to prevent it from falling into the conduit, and to furnish an interior surface that would render the flow of water easier and more abundant. To provide for the possibility of the masonry lining itself being cracked and broken, it was necessary to fill behind it to the natural rock, so that the pressure on the interior of the lining could be trans-

mitted to the surrounding mass through which the tunnel was bored. Where the rock was firm and solid and showed no signs of disintegrating, it was not necessary to line it, other than to procure a smooth surface for the water to flow over.

The determination of the magnitude of the dangers mentioned in the first two objections would be arrived at, if the quantity of water that will escape from the tunnel under the head of water in the distributing reservoir could be determined. From measurements taken from March 29 to May 4, 1889, the tunnel filled to the level of the top of the Rock Creek shaft in thirty-seven days showing a flow into the tunnel of about 270,000 gallons per day and from a gauging of the overflow of this shaft made May 23, 1890, it was determined that the water was running out of the tunnel at the rate of 175,000 gallons per twenty-four hours. It is fair to assume, that with the head of water in the distributing reservoir the outward escape will be greater than this quantity of seepage into the tunnel, as above developed. However this may be the quantities of water under consideration may be greater or less than we anticipate, and its points of exit through the overlying mass may also be different from our expectations. But it is confidently believed that the quantity of water escaping from the tunnel when it is fairly lined, will diminish from year to year as the veins, fissures, and pores become clogged with the various matters carried in silt-bearing waters. There would seem to be no way therefore to determine the extent of the dangers mentioned in the first and second objections other than to fill the tunnel as it exists to-day, by connecting it with the distributing reservoir and to observe the results. If the leakage from the tunnel in its present condition, and the outflow upon the surface of the ground should turn out to be less in volume than is anticipated, then this outflow would surely be less when the lining was completed and put in good condition.

In answer to the first part of the resolution, it is respectfully submitted that it is feasible to complete the tunnel in process of construction between the two reservoirs, but it should not be undertaken until, by actually filling the tunnel, the first two dangers suggested by the Joint Select Committee of October 8, 1888, have been investigated and their magnitude determined.

This test can be made at a cost of $20,000, and lasting through a period of say from nine months to a year. Should the results of this trial make it appear that it would be safe to complete the tunnel and all the parts and appliances needed to carry water from the distributing reservoir to the new reservoir and distribute the same to the city, then the estimated cost of doing this work is as follows:

For the completion of the tunnel	$500,000
For the completion of the new reservoir	140,000
Total	640,000

There is now available for the above purposes, $362,027.40.

With reference to the second part of the resolution, namely, "the practicability of placing iron pipes in the tunnel sufficient to carry the necessary water supply to the new reservoir and the cost thereof," it is certainly practicable (capable of being done or accomplished), but it is submitted that it is not advisable. As an original proposition for laying iron pipes between these two reservoirs, no one would ever for a moment think of burying them so far beneath the surface of the earth where they will be covered with water, subject to great pressure, and could only be emptied and inspected with great trouble. The amount

of water that would be used in the city at the present time from the new reservoir, after it is filled, would be about 18,000,000 of gallons per day, and if it should be found impracticable to use the tunnel as a conduit, and it is still thought to be essential to fill the new reservoir and to distribute to the city from this source, then it is recommended that two 48-inch mains be laid over the route suggested by the board of experts and between the two reservoirs.

The estimated cost of these mains and the completion of the system is as follows:

For two 48-inch mains, each 23,000 feet in length	$949,300
For completion of the new reservoir	140,000
Total	1,089,300

The board of experts estimated that the tunnel could be completed and a 6-foot steel pipe placed in it for the sum of $852,786.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 152.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of the Interior relative to the destruction by fires of timber on the public lands.

JUNE 17, 1890.—Read, referred to the Committee on Agriculture and Forestry, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, with a view to securing such legislation as may be appropriate, a communication from the Secretary of the Interior, relating to the destruction by fires, carelessly kindled or left, of the timber upon the public lands.

If proper penalties were imposed by law, and a few convictions thereunder secured, I do not doubt that much waste of our forests would be prevented.

BENJ. HARRISON.

EXECUTIVE MANSION,
June 16, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1890.

The PRESIDENT:

I have the honor to transmit herewith a draught of a bill "For the protection of trees and other growth on the public domain from destruction by fire," and recommend that said bill be transmitted to Congress for its consideration.

I also transmit a copy of a communication from this Department of November 11, 1889, to the Attorney-General, and also a copy of a communication from the Commissioner of the General Land Office of May 7, 1890, submitting a bill to the Department which fully explains the necessity for the proposed legislation.

Very respectfully,

JOHN W. NOBLE,
Secretary.

A BILL for the protection of trees and other growth on the public domain from destruction by fire.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall maliciously or negligently and carelessly set on fire or cause to be set on fire any woods, underbrush, or prairie on any

of the public lands of the United States, and any person who shall maliciously or negligently permit or suffer any fire, which he may have lighted on other lands, to pass therefrom to the public lands of the United States, to the injury of the trees, undergrowth, or prairie, upon such public lands, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than three times the value of the trees or other growth so destroyed or injured, or imprisoned for a term not more than three years, or both; one-half of the fine to go to the informer, and the remaining half into the public school fund of the county in which the trees or other growth so destroyed or injured are situated.

DEPARTMENT OF THE INTERIOR,
Washington, November 11, 1889.

SIR: I have the honor to transmit herewith a copy of a letter from the Commissioner of the General Land Office, dated the 31st ultimo, with duplicate of report, dated September 27, 1889, from Special Agent Thomas J. Matthews, and accompanying affidavits, relative to a certain forest fire, which began August 18, 1889, and continued until about the middle of September, in and about Graham, Boisé County, Idaho, and was started by C. C. Havird, sheriff of the said county, and a posse of twenty-seven men, acting under the direction of John Lemp, of Boisé City, and F. F. Church, cashier of Boisé City Bank, Boisé City, all of said Territory.

From the statement of facts set forth in the special agent's report, showing apparently unnecessary conduct on the part of the sheriff and those whom he represented, resulting in the needless destruction of much valuable Government property, I concur in the recommendation of the Commissioner that the United States attorney for Idaho be instructed to institute criminal proceedings against F. F. Church, John Lemp, and the said sheriff of Boisé County, and Deputy Sheriff T. E. Crofton, if upon a careful examination of the facts in the case such action is deemed justifiable and for the best interests of the Government.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 7, 1890.

SIR: Referring to my recommendation of October 31, 1889, in the case of C. C. Havird and others setting fire to Government timber in Idaho, I have the honor to acknowledge receipt, by reference from the Department, of the Attorney-General's letter, dated the 25th ultimo, inclosing copy of a letter from the United States attorney for Idaho, with which he returns all the papers in the case forwarded to the Department of Justice by your letter of November 11, 1889, and stating that there is no way of reaching the case under United States statutes.

In view, not only of the alleged fact that this fire extended over 4 square miles of timbered country, destroying great quantities of fine Government timber, but the further fact that disastrous and wide-spread forest fires raged in Idaho, Montana, and Oregon last year, in which millions of trees were destroyed and many lives lost; and that in response to an appeal from the governor of Idaho, there was a large expenditure of

Government money authorized by this Department in payment for services rendered in fighting the fires in Idaho, it is very evident that adequate legislation by Congress on the subject is imperatively needed.

I believe the statement to be entirely within bounds, that for every tree destroyed by the woodman's ax, at least ten trees are destroyed by conflagration arising, in nearly every instance, from careless, if not willful, neglect to take the most ordinary precautions.

The urgency for some law on the subject is so apparent as to require no argument. I therefore most respectfully submit herewith for your consideration, and such action as you may deem necessary, a draught of a proposed law, which I believe will fully meet the requirements.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 153.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of a communication from the Secretary of the Interior submitting an estimate for an additional force for the Pension Office.

JUNE 17, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
June 14, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 12th instant, submitting an estimate for an additional force for the Pension Office for the fiscal year ending June 30, 1891.

Respectfully yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 12, 1890.

SIR: I have the honor to transmit herewith an estimate of additional force under the appropriation "Salaries, Bureau of Pensions," that will be required to carry into effect the provisions of the pension bill upon which the conference committee of the two houses of Congress has agreed to, and which has passed the House of Representatives, and recommend the favorable action of Congress thereon.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS.
Washington, D. C., June 12, 1890.

SIR: In view of the probable enactment of the bill upon which the conference committee of the two houses of Congress has agreed to, and which has passed the House of Representatives, I respectfully invite your attention to the fact that the work of this office is steadily increasing by the

filing of new claims in excess of the number of claims disposed of from month to month. In my opinion the official force is performing about all the work that can be expected of it; consequently the prompt execution of this new act will require a large increase of the force of the office. I respectfully recommend that Congress be asked to authorize the employment of the following force:

20 principal examiners	$2,000	60 copyists	$900
30 clerks, class four	1,800	1 private secretary to Commissioner	1,800
50 clerks, class three	1,600	2 stenographers	1,600
110 clerks, class two	1,400	10 messengers	840
100 clerks, class one	1,200	15 assistant messengers	720
45 clerks, class $1,000	1,000		

I also respectfully recommend that the salaries of six of the heads of divisions of this office be increased to $2,500, and six to $2,250, and that the salary of the chief clerk be increased to $2,500. These positions are of such responsibility and importance that there should be attached to them salaries much better than are now provided for by law. This, I am sure, is in the interest of the public service, and I earnestly recommend it.

I also beg to invite your attention to the importance of having a suitable printing office established in the Pension Office Building. This can be done at a comparatively small expense and would materially facilitate the transaction of business. The printing-press could be set up in a room immediately over the steam machinery which propels the elevator, and the power could be taken from that boiler.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

Additional estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the Bureau of Pensions, Department of the Interior.

Salaries, Bureau of Pensions:	
20 principal examiners at $2,000 each	$40,000
30 clerks of class four	54,000
50 clerks of class three	80,000
110 clerks of class two	154,000
100 clerks of class one	120,000
45 clerks of class $1,000	45,000
60 copyists at $900	54,000
1 private secretary to Commissioner	1,800
2 stenographers at $1,600	3,200
10 messengers at $840	8,400
15 assistant messengers at $720	10,700
Total	571,100

51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 154.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

In response to Senate resolution of June 12, 1890, reports and letters relative to the improvement of the harbor at Buffalo.

JUNE 18, 1890.—Referred to the Committee on Commerce and ordered to be printed, the letters only.

WAR DEPARTMENT,
Washington, June 17, 1890.

The Secretary of War has the honor to transmit to the Senate a report from the Chief of Engineers, dated the 16th instant, and the accompanying copies of reports and letters referred to therein, in response to resolution of June 12, 1890, as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate the report of the Engineer's Office upon the improvements of the harbor at Buffalo, N. Y., together with the views of vessel-owners in relation thereto.

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 16, 1890.

SIR: I have the honor to acknowledge reference to this office of resolution of the 12th inst. of the Senate of the United States directing the Secretary of War "to transmit to the Senate the report of the Engineer's Office upon the improvement of the harbor at Buffalo, N. Y., together with the views of vessel-owners in relation thereto," and beg leave to return the same, with the accompanying copies of the annual reports of the officer in local charge of the improvements at Buffalo, Captain F. A. Mahan, Corps of Engineers, for the fiscal years ending June 30, 1887, 1888, and 1889.

There are also submitted copies of the following letters upon the subject of the obstruction of the entrance to the harbor by vessels tying up at the piers:

Letter of Capt. F. A. Mahan, December 31, 1887, to the Chief of Engineers, with inclosed communication of December 29, 1887, from Mr. Washington Bullard, general manager Union Steam-boat Company.

Letter of December 24, 1888, from Mr. S. D. Caldwell, vice-president and general manager of the Western Transit Company, to the Secretary of War.

Letter of August 17, 1889, from the Union Steam-boat Company; the Western Transit Company; the Lehigh Valley Transportation Company, and the Erie and Western Transportation Company, to the Secretary of War.

Letter to this office of June 9, 1890, from Mr. Frank J. Firth, president of the Erie and Western Transportation Company.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

LETTER OF CAPT. F. A. MAHAN, CORPS OF ENGINEERS.

U. S. ENGINEER OFFICE,
Buffalo, N. Y., December 31, 1887.

SIR: I have to invite your attention to a matter which is here a constant source of trouble, viz, the tying up of vessels to the piers at the mouth of Buffalo Creek.

In this connection I inclose a copy of a letter and of a sketch received from Mr. Washington Bullard, general manager of the Union Steamboat Company, in regard to a collision on the night of November 17, 1887. These documents make the whole matter clear.

I have myself seen vessels lying two abreast alongside of the south pier, and at the same time two abreast alongside of the north pier, now occupied by the coal tipples of the Delaware, Lackawanna and Western Railway.

From these two causes the entrance to Buffalo Creek is frequently so reduced as to make even the passage of harbor tugs, when they approach in opposite directions and unincumbered with tows, difficult. With tows it becomes hazardous.

At the north pier vessels constantly lie two abreast, and at times even three. When the narrowness of the entrance (less than 200 feet) is considered it will be seen that three vessels, each about 35 feet wide, form a serious obstruction. In fact, I am surprised that more accidents do not take place.

The occupancy of the north pier by the Delaware, Lackawanna and Western Railroad Company is the greatest nuisance existing here so far as navigation is concerned, and next to that comes the use of the south pier as a tying-up spot.

While questioning the propriety of expressing an opinion in the matter, I can not help saying that these two nuisances ought to be suppressed in the interest of navigation.

Our own work was much hampered last summer by vessels and rafts making fast to the breakwater and declining to move so that we could reach our pile of broken stone.

I have informed Mr. Bullard that I have referred to you a copy of his letter and of a sketch he sent me, showing the state of affairs existing on the night of November 17, 1887, and also that I know of no law, regulation, or other authority whereby the officers in charge of Govern-

ment piers, etc., can abate such nuisances as the one of which he complains.

There are not a few steamers now running to and from Buffalo over 300 feet long and 50 feet wide. Under such circumstances as I have mentioned, the entrance of vessels of this size is peculiarly perilous. Their great bulk makes them hard to handle, and this difficulty is increased by the lack of water in the creek. A very slight blow from such a mass is sufficient to crush an ordinary vessel. I do not see how a collision like the one mentioned could have been avoided under the circumstances.

Very respectfully, your obedient servant,

F. A. MAHAN,
Captain of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

LETTER OF MR. W. BULLARD.

NEW YORK, LAKE ERIE AND WESTERN RAILROAD LINE,
THE UNION STEAM-BOAT COMPANY, OFFICE OF THE GENERAL MANAGER,
Buffalo, December 29, 1887.

DEAR SIR: Referring to your letter of the 22d ultimo in regard to the difficulties encountered by two of our steamers in entering Buffalo Harbor, one on the night of the 17th of November and the other on the morning following:

I inclose herewith a map showing the outer and inner breakwater, north and south piers, with the vessels lying thereat on the night in question, also showing approximately the line of shoal water west of the inner breakwater. The dotted line shows the course the *Avon* steered in entering the harbor up to the time she struck the *Middlesex*.

The Signal Service Office reports that at 7.50 p. m. on the night in question the velocity of the wind was 31 miles an hour from the westward. As you well understand, westerly or southwesterly winds drive the water into the lower end of the lake, resulting in a much stronger current than usual, making toward the mouth of the river, not only from the north end of the outer breakwater but also from the south end, nearly at right angles to the course steered from the outer breakwater to the south pier. With the velocity of the wind as it was, the *Avon*, after rounding the outer breakwater, headed sharp for the south pier to escape any possibility of the current carrying her down on to the bank indicated as shoal water. When she got to the point marked with an *X* she discovered the steam barge *Isaac May* and consort fast almost at the extreme point of the south pier, abreast of each other. In order to clear them, she put her wheel hard to starboard, and after clearing them, and when about midway between where these two boats lay and the line of the inner breakwater, she discovered a vessel fast almost at the extreme end of the north pier, with another vessel moored almost directly across the river at the south pier; to clear this vessel at the north pier she put her wheel hard to port, which headed her directly for the *Middlesex*. After clearing the vessel lying at the north pier the wheel was again put hard to starboard to clear the *Middlesex*, but owing to the deep draught of the *Avon*, and bearing so near to the bottom she did not commence to swing in response to the starboard wheel until close aboard the *Middlesex*, the consequence being that she struck that vessel with the bluff of her bow, doing damage to the extent of several hundred dollars and narrowly escaped sinking her altogether.

The width of the river at the end of the north pier as near as I can figure it is about 190 feet. The two vessels moored opposite each other were about 35 feet beam each, which would only leave about 120 feet of clear water.

In making the harbor, owing to the current already referred to, and the danger of getting on the shoal spot west of the inner breakwater, and also to make the sharp turn in coming around the Watson Elevator, it is absolutely necessary to enter between the piers, especially when it is blowing hard, at a speed of from 5 to 6 miles an hour, to keep good steerageway on the vessel, and with the current running up the river as is usually the case with high southwesterly and westerly winds, the stopping and backing of a vessel is attended with great danger, not only to herself but to the piers and docks and vessels lying thereat.

The habit of vessels lying at the piers, either while waiting for weather or for

any other purpose, is fraught with danger and usually it is done to save the expense of a tow bill, which would not amount to exceed $10, out to the outer breakwater where there is good anchorage and where ample provision has been made for vessels to lie.

Accidents of the character described are very frequent, and it seems to me that it is the duty of the Government or its officers in charge of its property, to insist that the entrance to the harbor shall be kept clear and that the difficulties and dangers attending the entering in bad weather shall be reduced to a minimum.

Yours, truly,

W. BULLARD,
General Manager.

Captain F. A. MAHAN,
Corps of Engineers.

LETTER FROM MR. S. D. CALDWELL.

THE WESTERN TRANSIT COMPANY,
NEW YORK CENTRAL AND HUDSON RIVER R. R. LINE OF SCREW STEAMERS,
Buffalo, N. Y., December 24, 1888.

SIR: The undersigned begs leave to submit this statement for your consideration: The entrance to Buffalo Harbor, through which its lake commerce passes, is only 200 feet in width between the two Government piers for a distance of about 600 feet. The passages of steamers and vessels during the season of 1888 numbered 8,647 entered and cleared, to say nothing of the large number of tugs and other small craft that do not report at the custom-house. For this large movement of vessels to meet and pass in safety, the whole width of the channel, 200 feet, is narrow and barely sufficient. But even this narrow passage is not all available for its proper and only legitimate use, the passage of vessels. During the greater part of the season of navigation two vessels abreast, and some times three, lie at the north pier receiving cargoes of coal from trestles located on that pier, or awaiting their turn to receive such cargoes. These vessels, thus lying, constitute a serious obstruction to the navigation of the harbor entrance, and are a source of danger to the vessels engaged in the commerce of the port in arriving and departing. Delays, more or less expensive, are of frequent occurrence, and collisions are avoided with difficulty, and such must always be the case while the north pier continues to be used for the purpose and in the manner above stated. We do not ask or desire that any corporations or individuals engaged in business on the shores of the Buffalo River be deprived of any of their vested rights where such exist, but believing the safe passage of vessels in and out of Buffalo Harbor to be of paramount importance to the commerce of the port, we request that, if it be practicable, such action be taken as will relieve the entrance to the harbor from the obstructions and hindrances to commerce herein referred to. This company owns sixteen steamers which are engaged in the commerce of this port and the great lakes.

Respectfully, your obedient servant,

S. D. CALDWELL,
General Manager.

To the SECRETARY OF WAR.

LETTER FROM MR. W. BULLARD, GENERAL MANAGER OF THE UNION STEAM-BOAT COMPANY, AND OTHERS.

BUFFALO, N. Y., *August* 17, 1889.

SIR: The undersigned beg leave to make these representations for your consideration:

The entrance to Buffalo Harbor, through which its lake commerce passes, is only 200 feet in width between the two United States Government piers, for a distance of about 600 feet. The passages of steamers and vessels during the season of 1888 numbered 8,647 entered and cleared, to say nothing of the large number of tugs, pleasure steamers, ferry-boats, and other small craft that do not report at the custom-house. For this large movement of vessels to meet and pass in safety, the whole width of the channel, 200 feet, is narrow and insufficient. But even this narrow passage is not all available for its proper and only legitimate use, the passage of vessels. During the greater part of the season of navigation two vessels abreast, and sometimes three, lie at the north pier receiving cargoes of coal from trestles located on that pier, or awaiting their turn to receive such cargoes. These vessels, thus lying, constitute a serious obstruction to the navigation of the harbor entrance, and are a source of danger

to the vessels engaged in the commerce of the port in arriving and departing. Delays, more or less expensive, are of frequent occurrence, and collisions are avoided with difficulty, and such must always be the case while the north pier continues to be used for the purpose and in the manner above stated.

We do not ask or desire that any corporations or individuals engaged in business on the shores of the Buffalo River be deprived of any of their vested rights where such exist, but we are advised and believe that the use of the United States Government north pier, as above stated, is without warrant of law and wholly unjustifiable. The safe passage of vessels in and out of Buffalo Harbor is of the greatest importance to the commerce of the great lakes, and no private interests should be permitted to interfere with or restrict such safe passage. Therefore we, the undersigned, as owners and representatives of owners, and managers of steam and other vessels engaged in the navigation of the lakes, respectfully but earnestly request that you will institute measures to bring about a discontinuance of the use of the above-mentioned north pier for private purposes, to the end that the whole channel at the entrance to Buffalo Harbor may be thrown open to the public so that the commerce of the lakes may pass freely in and out of Buffalo Harbor without risk or hindrance.

We respectfully suggest that this subject is of such grave importance as to invite to it your immediate and careful consideration.

THE UNION STEAMBOAT COMPANY,
By W. BULLARD, *General Manager.*
THE WESTERN TRANSIT COMPANY,
By S. D. CALDWELL, *General Manager.*
LEHIGH VALLEY TRANSPORTATION COMPANY,
By W. P. HENRY, *General Manager.*
THE ERIE AND WESTERN TRANSPORTATION COMPANY,
By E. T. EVANS, *Western Manager.*

To the SECRETARY OF WAR.

[Second indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY, *May* 26, 1890.

Respectfully returned to the Secretary of War.

The north pier at Buffalo is now occupied by the Delaware, Lackawanna and Western Railroad Company under authority of the license granted by the Secretary of War January 4, 1889.

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

LETTER FROM MR. FRANK J. FIRTH.

THE ERIE AND WESTERN TRANSPORTATION COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, June 9, 1890.

DEAR SIR: It has just come to our notice that the river and harbor bill, as it passed the House, pages 13 and 14, contains the following provision:

"Improving harbor at Fairport, Ohio: Continuing improvement, thirty thousand dollars.

"The owners of dock property abutting on the east Government Pier on Grand River shall have the right to load and unload coal, ore, and other freight over so much of said pier as lies north of the inner shore line represented on map in the report of the Chief of Engineers of eighteen hundred and eighty-one, under such limitations as to time and use as shall be approved by the Secretary of War, and in consideration thereof the owners of such dock property, at their own proper cost and expense, sufficiently repair, renew, and protect the portion of said pier so used, and do all necessary dredging in Grand River, in front thereof, all such repairs, renewals, and dredging to be done under the supervision of the Chief of Engineers of the United States Army."

We are not directly interested in this provision as to Fairport, but we further learn that it is proposed to amend the bill in the Senate so as to make it include a similar provision with reference to the use of the Government dock property at the entrance to Buffalo Harbor, New York. This company has large terminal interests on Buffalo Harbor, and operates a fleet of lake vessels trading to that port. In common with all other vessel-owners we suffer greatly in risk, inconvenience, and loss of valuable time as the result of the Government's docks at the entrance to this important harbor being used by private concerns for their own gain in handling a coal traffic. It is not unusual to find two vessels lying abreast at these Government docks, obstruct-

ing nearly half of the width of the entrance, and making the passage in and out very hazardous in bad weather.

This matter is so important to the general water-carrying interests that our company takes the liberty of thus specially directing your attention to it and solicits your valuable aid in securing the active support of the War Department in acquainting the proper committee of the Senate with the facts, so that the question may be decided upon its merits.

The United States engineers resident at Buffalo are no doubt familiar with this question, and we believe they will, if called upon, assure you that we do not overrate its importance.

Yours, truly,

FRANK J. FIRTH,
President.

Brig. Gen. THOMAS LINCOLN CASEY,
Chief of Engineers, U. S. A.

51st Congress, 1st Session. | SENATE. | Ex. Doc. 154. Part 2.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In further response to a resolution of the 12th instant, a letter from the Chief of Engineers, and its accompanying copies of papers referred to, concerning the improvement of the harbor at Buffalo, N. Y.

JUNE 28, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 27, 1890.

The Secretary of War has the honor to transmit to the Senate a letter from the Chief of Engineers dated the 25th instant, and its accompanying copies of papers referred to, concerning the improvement of the harbor at Buffalo, N. Y., in further response to a resolution of the Senate of the 12th instant, as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate the report of the Engineer's Office upon the improvements of the harbor at Buffalo, N. Y., together with the views of vessel-owners in relation thereto.

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 25, 1890.

SIR: Referring to letter from this office of the 16th instant, and in further response to resolution of the 12th of June, of the Senate of the United States concerning improvements of the harbor at Buffalo, N. Y., I have the honor to submit the inclosed copy of report of the 21st instant on the subject from Maj. Amos Stickney, Corps of Engineers, together with the accompanying copies of six letters received by Major Stickney from as many parties interested in vessels using the harbor at Buffalo.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

IMPROVEMENT OF BUFFALO HARBOR, NEW YORK.

UNITED STATES ENGINEER OFFICE,
Buffalo, N. Y., June 21, 1890.

GENERAL: In compliance with indorsement of your office dated June 13, 1890, on resolution of United States Senate dated June 12, 1890, directing the Secretary of War "to transmit to the Senate the report of the Engineer's Office upon the improvements of the harbor at Buffalo, N. Y., together with the views of vessel-owners in relation thereto," I have the honor to state that as the resolution did not refer to any particular report I was uncertain as to what information was desired.

The telegraphic dispatches from Washington in the daily press, however, seem to indicate that the report called for by the resolution was that which had previously been made upon the subject of the occupation of the North Pier at the mouth of Buffalo Creek by the Delaware, Lackawanna and Western Railroad Company.

As this matter has been so fully reported upon by my predecessors in charge of the improvement of Buffalo Harbor, there is but little further for me to report, and I would respectfully invite attention to those reports.

The status remains the same as at the time of last annual report of Capt. F. A. Mahan, Corps of Engineers, for year ending June 30, 1889. The occupation of the pier continues under the authority of the license granted by the Secretary of War, dated January 4, 1889, and it is not known that any judicial or Congressional action has been taken to settle the title to the site of the pier.

Vessel owners and navigators complain of the obstruction to the passage of vessels entering the mouth of the creek caused by the vessels lying at the pier to receive their cargoes. Ordinarily these vessels are placed only one deep, but sometimes two abreast receiving cargo and a third supplying fuel. In compliance with the clause of the Senate resolution requiring the opinion of vessel-men relating to the improvement of Buffalo Harbor, I transmit herewith six letters received up to date from parties interested in vessels using the harbor, sent to me in reply to a circular letter, a copy of which is inclosed. This circular was sent to thirty different parties. Any other letters that may be received in response to the circular will be forwarded.

The site of the North Pier seems to have been in the quiet possession of the United States for a period of more than fifty years. It is at present occupied by other parties without any established claim, and with no apparent prospect of establishing their claim. The mooring of vessels at the pier, sometimes two and three abreast, undoubtedly obstructs the free navigation of the channel right at the entrance to the harbor.

In my opinion the United States should take possession of the pier and keep the channel clear.

Very respectfully, your obedient servant,

AMOS STICKNEY,
Major of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

CIRCULAR LETTER.

UNITED STATES ENGINEER OFFICE,
Buffalo, N. Y., June 17, 1890.

SIR: I inclose herewith a copy of a resolution in the Senate of the United States, dated June 12, 1890, asking for the report of the Engineer's Office upon the improvements of the harbor at Buffalo, N. Y., with the views of vessel-owners in relation thereto. I would be very much obliged if you would submit your views upon the subject to this office as soon as possible, that I may make the report called for.

Very respectfully,

AMOS STICKNEY,
Major of Engineers.

RESOLUTION OF THE SENATE.

IN THE SENATE OF THE UNITED STATES,
June 12, 1890.

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate the report of the Engineer's Office upon the improvement of the harbor at Buffalo, N. Y., together with the views of vessel-owners in relation thereto.

Attest: ANSON G. MCCOOK,
Secretary.

LETTER FROM C. H. KEEP.

LAKE CARRIERS' ASSOCIATION, *Buffalo, June* 17, 1890.

SIR: I have your circular letter bearing date June 16, and in reply I have to say that the Lake Carriers' Association has never taken any action with respect to the local harbor improvement at Buffalo.

So far as I am advised, the Buffalo owners and managers who belong to this association are heartily in favor of pushing to early completion the improvement now in process of construction under your supervision.

Several of the most important members of this association, whose interests at this port comprise at least 50 large steamers running between Buffalo and the upper lake ports, have expressed in my hearing the opinion that this harbor would be greatly improved if the entrance between the piers was not obstructed. The use of the north pier by the Lackawanna Railroad Company for coal-shipping purposes is said to narrow the channel for ingoing and outgoing vessels to such an extent as to materially lessen the safety of such vessels.

This obstruction to Buffalo Harbor has not been the subject of official action by the association for the reason that such action is never taken on a matter of local interest.

It would seem, however, that the channel between the piers at this harbor was a general lake waterway almost to as great an extent as the Detroit River. At any rate its safety is matter of concern to the entire lake marine.

Respectfully yours,

C. H. KEEP,
Secretary Lake Carriers' Association.

Maj. AMOS STICKNEY,
United States Engineer Office.

LETTER FROM BROWN & CO.

[Brown & Co., vessel and insurance agents, 202 Main street.]

BUFFALO, N. Y., *June* 18, 1890.

DEAR SIR: Replying to your favor of yesterday, asking for our views of what improvements are necessary in Buffalo Harbor, we desire to say from the large intercourse we have of vessels' masters doing business with us, we are confident that the superstructure of the outer breakwater should be immediately completed on the same plan as partly constructed, with concrete blocks; that the breakwater should be extended southward as soon as possible to the shore line, and the obstruction removed

from the horse-shoe channel that has only annoyed vessels since the blasting that was done there last fall. Vessel masters seem to be of the opinion that the rocks that remain in the channel were left there by the contractor while blasting, as several vessels have sustained serious damage in going down this channel this spring, and the masters of these vessels have traded there continually for fifteen years to our knowledge, and never had an accident in this locality before. It is therefore safe to say that they understood the channel, and the obstructions on which they struck were not there in former seasons.

Yours, truly,

BROWN & CO.

AMOS STICKNEY,
Major of Engineers.

LETTER FROM S. D. CALDWELL.

[The Western Transit Company, New York Central & Hudson River R. R. Line of screw steamers.]

BUFFALO, N. Y., *June* 18, 1890.

DEAR SIR: I have to acknowledge receipt of your letter of the 17th inst., inclosing copy of a resolution adopted in the Senate of the United States June 12, 1890, asking for the report of the Engineer's Office upon improvements of the harbor at Buffalo, N. Y., with the views of vessel-owners in relation thereto.

Complying with your request that I would submit to you my views upon the subject, I beg to state that in my judgment the first requirement is the removal of a serious obstruction to the navigation of the Buffalo River, which consists of vessels moored at the United States north pier, just inside the mouth of the river, engaged in receiving cargoes of coal from the trestles located on that pier. The river at that point for a space of about 600 feet is only 200 feet in width, barely sufficient when entirely unobstructed for the safe passage of vessels in and out of the port. This narrow channel should be kept entirely free from such obstructions, and vessels should not be permitted to lie at either of the Government piers between which the river flows. The removal of the obstruction thus existing, which is a standing danger to vessels engaged in the commerce of the port, would necessitate a discontinuance of the use of the north pier by a private corporation in making its shipments of coal, and the restoration of the north pier to the proper control and use of the United States Government, which should be done at the earliest practicable moment.

The other needed improvement is the completion of the outer breakwater, but as that work is in progress and the subject well understood I will not enlarge upon it.

Very respectfully yours,

S. D. CALDWELL,
General Manager.

Maj. AMOS STICKNEY,
Corps of Engineers.

LETTER FROM W. BULLARD.

THE UNION STEAM-BOAT COMPANY,
Buffalo, N. Y., June 19, 1890.

SIR: Your letter of the 17th instant, inclosing a copy of a resolution in the Senate of the United States, dated June 12, 1890, in regard to the improvements to the Buffalo Harbor, duly received. My views in relation to these improvements are that there is no other point on the Great Lakes which needs that the projected work be pushed to completion so much as the work proposed here. The commerce of nearly the entire lake system concentrates at Buffalo, and I regard all other harbors west of here as more interested in this work than they are elsewhere, except in their own localities, and I believe the representatives of the interests at these different points would, if interrogated, so express themselves.

The mouth of this harbor where the waters of the Buffalo River empty into the Niagara River is very narrow, and owing to currents and other circumstances, is at times extremely difficult of entrance. These embarrassments are greatly hightened by the occupancy of certain frontage at the narrowest point in the locality spoken of by the Delaware, Lackawanna, and Western Railroad Company, which uses the water-front for the loading of vessels, such vessels frequently laying two abreast, and thus narrowing the available channel, which is about 200 feet in full width here, 60 to 80 feet. I think the company named should be compelled to vacate this Government property at the earliest possible moment. A detailed account of the usurpations and encroachments of this company is contained in the reports of engineers

Edward Maguire and Frederick A. Mahan, in charge for the years 1885 and 1889. At present this occupancy is, as I understand, legalized by an optional lease which was procured through the intimacy and friendship of one of the counsel of the railroad company with the head of the last national administration, and was in my estimation a most objectionable transaction, where the rights of the public were sacrificed to the advantage of a railroad corporation. It is greatly to be hoped that this arrangement will be terminated at an early date.

Yours, truly,

W. BULLARD,
General Manager.

Maj. AMOS STICKNEY, U. S. Army,
Engineer in charge at Buffalo, N. Y.

LETTER FROM GEO. R. TELLER.

WHITE BUILDING, *Buffalo, N. Y., June* 19, 1890.

DEAR SIR: Replying to your favor of 17th instant, relative to improvements in Buffalo harbor, I beg to say that in my judgment the improvements as contemplated by your office meets with my approval.

Yours, very truly,

GEO. R. TELLER,
Manager.

Maj. AMOS STICKNEY,
Engineer, U. S. Army.

LETTER FROM E. T. EVANT, GENERAL MANAGER.

THE ERIE AND WESTERN TRANSPORTATION COMPANY,
Buffalo, N. Y., June 19, 1890.

DEAR SIR: I have a communication from you under date of June 17, inclosing copy of a resolution adopted in the Senate June 12, 1890. I supposed that the resolution referred to the reports or communications from vessel owners about the north pier at Buffalo, and I see by the Morning Express of to-day that the communication from your office in this respect and also copies of communications from the representatives of a lot of vessels have all been submitted to the Senate.

Literally complying with your request, however, it appears to me that the immediate harbor improvement is the completion of the outer breakwater and whatever dredging may be necessary at the mouth of the harbor, and that the Government should secure possession of the north pier, so that the entire entrance on both sides of the harbor should be under the jurisdiction of the United States, is my opinion now as it was when I joined in the communication to the Secretary of War.

Under your authority vessels are not permitted to be moored at the south pier, and I have no doubt if you had possession of the north pier you would give similar orders with reference to it, and if such orders could be given the entrance to our harbor would be in a safe and proper condition. I beg to call your attention to the fact that the liberal policy of the Government in improving the lake channels has resulted in a great increase in the size of vessels, and I look in the future to a 20-foot channel being made between the heads of Lake Michigan and Lake Superior and the foot of Lake Erie, and when this is accomplished we shall have vessels 400 feet long and 50 feet wide, and with such craft it would be most injudicious for any private parties to have control of, and use for commercial purposes, the entrance to any of our harbors.

I am, very respectfully, yours,

E. T. EVANT,
Western Manager.

MAJ. AMOS STICKNEY,
Corps of U. S. Engineers.

51ST CONGRESS, 1st Session. | SENATE. | EX. DOC. 154, Part 3.

LETTER

FROM

THE SECRETARY OF WAR,

IN FURTHER RESPONSE

To Senate resolution of June 12, 1890, relative to the improvement of Buffalo Harbor, New York.

JULY 3, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, July 2, 1890.

SIR: I have the honor to transmit to the Senate a letter from the Chief of Engineers, dated the 30th ultimo, and its accompanying copies of papers referred to, concerning the improvement of the harbor at Buffalo, N. Y., in further response to a resolution of the Senate of the 12th ultimo, as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate the report of the Engineer's office upon the improvements of the harbor at Buffalo, N. Y., together with the views of vessel owners in relation thereto.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

The PRESIDENT OF THE SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 30, 1890.

SIR: Referring to letters from this office of the 16th and 25th instant, and in further compliance with resolution of June 12 of the United States Senate, I have the honor to transmit herewith the accompanying copies of letters of Frank Perew, June 21, 1890, Henry W. Watson, June 23, 1890, and the Lackawanna Transportation Company, June 24, 1890, received by Maj. Amos Stickney, Corps of Engineers, in response to circular letter issued by him in reference to improvements of the harbor at Buffalo, N. Y.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig.-Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

LETTER FROM MR. FRANK PEREW.

OFFICE OF FRANK PEREW, No. 7 SENECA STREET, WEST,
Buffalo, N. Y., June 21, 1890.

DEAR SIR: Yours of the 17th instant, inquiring my views as to work needed in Buffalo Harbor, is noted. In reply, would say that the pier or breakwater which has been washed away by heavy storms needs repairing very much, and the breakwater ought to be extended to the mainland. If would be very difficult for our large boats to enter the harbor of Buffalo if there were no breakwater, for the water is shallow, and when it blows hard there is a big sea at the entrance, and it would be much safer if the breakwater were continued to the mainland.

Yours respectfully,

FRANK PEREW.

AMOS STICKNEY,
Major of Engineers, U. S. A.

LETTER FROM MR. HENRY W. WATSON.

HENRY W. WATSON, No. 100 WHITE BUILDING,
Buffalo, N. Y., June 23, 1890.

DEAR SIR: Your letter of the 17th at hand on my arrival from out of town this morning. In reply, would say that the extension of the breakwater about a mile farther south would meet a demand much needed by the vessel men.

Respectfully,

HENRY W. WATSON.

Mr. AMOS STICKNEY, U. S. A.

LETTER FROM THE SUPERINTENDENT OF THE LACKAWANNA TRANSPORTATION COMPANY.

LACKAWANNA TRANSPORTATION COMPANY,
SUPERINTENDENT'S OFFICE,
Buffalo, N. Y., June 24, 1890.

DEAR SIR: Replying to your favor of the 17th, would say that I consider it very important that the outer breakwater should be completed as early as possible, both in its extension and the work of raising the portion already in place as commenced. The business of this port is increasing very rapidly, and the public interests demand that the work as mentioned above should be pushed to an early completion.

Very respectfully, your obedient servant,

M. M. DRAKE,
Superintendent.

AMOS STICKNEY, U. S. A.,
Major of Engineers.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 155.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE

To Senate resolution of June 16, 1890, relative to negotiations for the purchase of certain lands in Indian Territory.

JUNE 18, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate of the United States:

In response to the resolution of the Senate of the sixteenth instant, relating to the negotiations by the Cherokee Commission for the purchase of certain lands in the Indian Territory, I respectfully state that on the 20th day of May and the 12th day of June, respectively, agreements were signed by the Iowa and the Sac and Fox tribes, ceding to the United States certain of their lands. The contracts and accompanying papers were received at the Interior Department on the 2d and 17th days of June, respectively, and are now under examination by the proper officers of that Department. When these examinations are concluded the papers will, if found to be complete and conformable to law, be submitted to Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *June* 18, 1890.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 156.

LETTTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Letter of the Secretary of the Interior, with estimate of appropriation for the appraisement of the Port Angeles town-site reservation.

JUNE 19, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *June* 18, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior, of the 17th instant, submitting an estimate of appropriation in the sum of $5,000 for "appraisement of the Port Angeles town-site reservation."

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 17, 1890.

SIR: I have the honor to transmit herewith an estimate of appropriation of $5,000 for the appraisement of the Port Angeles town-site reservation. The sundry civil appropriation bill, now pending, contains an item of $5,000 for the survey of this reservation, which necessitates the further appropriation now asked for. The matter is submitted for the favorable consideration of Congress.

Very respectfully,

J. W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 17, 1890.

SIR: I have the honor to submit herewith, an estimate of $5,000 for the appraisement of the Port Angeles town-site reservation, under the direction of the Secretary of the Interior, as provided in section 2381, Revised Statutes.

The Committee on Appropriations, in the sundry civil bill, under the title "Surveying the public lands," have provided $5,000 for the survey of this reservation, which will necessitate the further appropriation now asked for.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the General Land Office.

Appraisement of the Port Angeles town-site reservation—

For the appraisement of the lots and blocks within the Port Angeles town-site reservation under the direction of the Secretary of the Interior, as provided in section 2381 of the Revised Statutes, $5,000, or so much thereof as shall be necessary $5,000.00

51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 157.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

Senate bill No. 1762, to change the boundaries of the Uncompahgre Reservation, with his objections thereto.

JUNE 19, 1890.—Read and referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate of the United States:

I return without my approval the bill (S. 1762) "to change the boundaries of the Uncompahgre Reservation."

This bill proposes to separate from the Ute Indian Reservation in Utah and restore to the public domain two ranges of townships along the east side of the reservation and bordering the Colorado State line. It is said that these lands are wholly worthless to the Indians for cultivation or for grazing purposes, and it must follow, I think, that they are equally worthless for such purposes to white men.

The object, then, of this legislation is to be sought not in any public demand for these lands for the use of settlers—for if they are susceptible of that use, the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow of course that this private end may not be wholly meritorious, and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or Gilsonite, supposed to be of very great value.

Entries have been made in that vicinity, but upon public lands, which lands have been re-sold for very large amounts. It is not important perhaps that the United States should in parting with these lands realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales. The bill confirms all attempted entries of these mineral lands at the price of twenty dollars per acre (a price that is suggestive of something unusual) without requiring evidence of the expenditure of any money upon the claim, or even proof that the claimant was the discoverer of the deposits.

The bill requires "good faith," but it will be next to impossible for the officers of the Interior Department to show actual knowledge on the part of the claimant of the lines of the reservation. The case will practicably be, as to this matter, in the hands of the claimant. But why

should good faith at the moment of attempting the entry, without any requirement of expenditure, and followed, it may be, within twenty-four hours by actual notice that he was upon a reservation, give an advantage in the sale of these lands that may represent a very large sum of money?

In the second place, I do not think it wise, without notice even to the Indians, to segregate these lands from their reservation. It is true, I think, that they hold these lands by an Executive order, with a contract right to take allotments upon them, and that the lands in question are not likely to be sought as an allotment by any Indian. But the Indians have been placed on this reservation and its boundaries explained to them, and to take these lands in this manner is calculated to excite their distrust and fears, and possibly to create serious trouble.

BENJ. HARRISON.

EXECUTIVE MANSION,
June 17, 1890.

[Fifty-first Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the second day of December, 1890.]

AN ACT to change the boundaries of the Uncompahgre Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Uncompahgre Ute Indian Reservation, in the Territory of Utah, as is contained within the following description, namely: The two ranges of townships on the east side of said reservation adjoining the Colorado State line, being ranges twenty-four and twenty-five east, Salt Lake meridian, be, and the same is hereby, declared to be public lands of the United States, and restored to the public domains: *Provided*, That any mineral location heretofore made or attempted to be made on said lands, or any part thereof, by any qualified person, who shall have made the same in good faith, shall bear date and be allowed the same as if said lands had been public lands at the time of said attempted location or institution of said proceedings, but said mineral location shall not be completed except upon the payment of twenty dollars an acre, or at that rate for the amount taken up by the claim; but no claim shall contain more than one hundred and sixty acres.

THOMAS B. REED,
Speaker of the House of Representatives.

JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. MCCOOK,
Secretary.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 158.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State relative to proposed reciprocal commercial treaties between the United States and the other American Republics.

JUNE 19, 1890.—Laid upon the table and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing a report of the International American Conference, which recommends that reciprocal commercial treaties be entered into between the United States and the several other Republics of this hemisphere.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin American nations, that I deem it proper to call especial attention to the fact that more than 87 per cent. of the products of those nations sent to our ports are now admitted free. If sugar is placed upon the free list, practically every important article exported from those States will be given untaxed access to our markets, except wool. The real difficulty in the way of negotiating profitable reciprocity treaties is, that we have given freely so much that would have had value in the mutual concessions which such treaties imply. I can not doubt, however, that the present advantages which the products of these near and friendly States enjoy in our markets—though they are not by law exclusive—will, with other considerations, favorably dispose them to adopt such measures, by treaty or otherwise, as will tend to equalize and greatly enlarge our mutual exchanges.

It will certainly be time enough for us to consider whether we must cheapen the cost of production by cheapening labor, in order to gain access to the South American markets, when we have fairly tried the effect of established and reliable steam communication, and of convenient methods of money exchanges. There can be no doubt, I think, that with these facilities well established, and with a rebate of duties upon imported raw materials used in the manufacture of goods for export, our merchants will be able to compete in the ports of the Latin American nations with those of any other country.

If after the Congress shall have acted upon pending tariff legislation it shall appear that, under the general treaty-making power, or under any special powers given by law, our trade with the States represented in the Conference can be enlarged upon a basis of mutual advantage, it will be promptly done.

BENJ. HARRISON.

EXECUTIVE MANSION, *June* 19, 1890.

RECIPROCITY TREATIES WITH THE LATIN AMERICAN STATES.

LETTER FROM THE SECRETARY OF STATE.

DEPARTMENT OF STATE;
Washington, June 19, 1890.

To the PRESIDENT:

I beg leave to submit herewith the report upon "Customs Union" adopted by the International American Conference.

The act of Congress, approved May 24, 1888, authorizing the President to invite delegates to this Conference, named as one of the topics to be considered, "Measures toward the formation of an American customs union, under which the trade of the American nations shall so far as possible and profitable be promoted."

The committee of the Conference to which this topic was referred interpreted the term "customs union" to mean an association or agreement among the several American nations for a free interchange of domestic products, a common and uniform system of tariff laws and an equitable division of the customs dues collected under them.

Such a proposition was at once pronounced impracticable. Its adoption would require a complete revision of the tariff laws of all the eighteen nations, and most if not all our sister republics are largely, if not entirely, dependent upon the collection of customs dues for the revenue to sustain their Governments. But the Conference declared that partial reciprocity between the American Republics was not only practicable, but must necessarily increase the trade and the development of the material resources of the countries adopting that system, and it would in all probability bring about as favorable results as those obtained by free trade among the different States of this Union."

The Conference recommended, therefore, that the several Governments represented negotiate reciprocity treaties "upon such a basis as would be acceptable in each case, taking into consideration the special situations, conditions, and interests of each country, and with a view to promote their common welfare."

The Delegates from Chili and the Argentine Republic did not concur in these recommendations, for the reason that the attitude of our Congress at that time was not such as to encourage them to expect favorable responses from the United States in return for concessions which their Government might offer. They had come here with an expectation that our Government and people desired to make whatever concessions were necessary and possible to increase the trade between the United States and the two countries named. The President of the Argentine Republic, in communicating to his congress the appointment of Delegates to the International Conference, said:

> The Argentine Republic feels the liveliest interest in the subject, and hopes that its commercial relations with the United States may find some practical solution of the question of the interchange of products between the two countries, considering that this is the most efficacious way of strengthening the ties which bind this country with that grand Republic whose institutions serve us as a model.

It was, therefore, unfortunate that the Argentine delegates, shortly

after their arrival in Washington, in search of reciprocal trade, should have read in the daily press that propositions were pending in our Congress to impose a heavy duty upon Argentine hides, which for many years had been upon the free list, and to increase the duty on Argentine wool. Since the adoption of the recommendations of the Conference, which I herewith inclose, hides have been restored to the free list. but the duty upon carpet wool remains, and, as the Argentine delegates declared, represents the only concession we have to offer them in exchange for the removal of duties upon our peculiar products.

Only those who have given the subject careful study realize the magnitude of the commerce of these sister nations. In 1888 the combined imports of Chili and the Argentine Republic reached the enormous sum of $233,127,698. The statistics of Chilian commerce for 1889 have not yet been received, but the imports of the Argentine Republic for that year were $143,000,000. These imports consisted, in the greater part, of articles that could have been furnished by the manufacturers of the United States; yet, in 1888, of the total of $233,000,000 imports, we contributed but $13,000,000, while England contributed $90,000,000; Germany, $43,000,000; and France, 34,000,000.

With our extraordinary increase in population, and the even more extraordinary increase in material wealth, our progress in trade with South America has been strangely hindered and limited.

In 1868, our total exports to all the world were $375,737,000, of which $53,197,000 went to Spanish America—14 per cent.

In 1888, our exports to all the world were $742,368,000 (an increase of 100 per cent.), while but $69,273,000 went to Spanish America, little more than 9 per cent.; and the greatest gain, (nine millions) has been noticed during the last two years.

It was the unanimous judgment of the delegates that our exports to these countries and to the other republics could be increased to a great degree by the negotiation of such treaties as are recommended by the Conference. The practical, every day experience of our merchants engaged in the trade, demonstrates beyond a question that in all classes of merchandise which we have long and successfully produced for export, they are able to compete with their European rivals in quality and in price; and the reiterated statement that our Latin American neighbors do not buy of us because we do not buy of them, or because we tax their products, has been annually contradicted by the statistics of our commerce for a quarter of a century.

The lack of means for reaching their markets has been the chief obstacle in the way of increased exports. The carrying trade has been controlled by European merchants who have forbidden an exchange of commodities. The merchandise we sell in South America is carried there in American ships, or foreign ships chartered by American commission houses. The merchandise we buy in South America is brought to us in European vessels that never take return cargoes, but sail for Liverpool, Havre, Bremen, or Hamburg with wheat, corn and cotton. There they load again with manufactured goods for the South American markets, and continue their triangular voyages, paying for the food they are compelled to buy of us with the proceeds of the sale of their manufactures in markets that we could, would supply, if we controlled the carrying trade.

France taxes imports as we do, and in 1880 her merchants suffered, as ours do now, from the lack of transportation facilities with the Argentine Republic. Under liberal encouragement from the Government, direct and regular steamship lines were established between Havre and

Buenos Ayres, and, as a direct and natural result, her exports increased from $8,292,872 in 1880, to $22,996,000 in 1888.

The experience of Germany furnishes an even more striking example. In 1880 the exports from Germany to the Argentine Republic were only $2,365,152. In 1888 they were $13,310,000. "This result," writes Mr. Baker, our most useful and intelligent consul at Buenos Ayres, "is due, first to the establishment of quick and regular steam communication between the two countries; second, to the establishment of branch houses by German merchants and manufacturers; and third, to the opening of a German-Argentine bank to facilitate exchange."

There is no direct steam-ship communication whatever between the United States and the Argentine Republic; and there are no direct banking facilities. The International American Conference has earnestly recommended the establishment of both; but reciprocal exchanges of tariff concessions will be equally effective in stimulating commerce, and in increasing the export of the products of which we have the largest surplus, not only to the progressive Republic named, but to all the other American nations.

The Conference believed that while great profit would come to all the countries if reciprocity treaties should be adopted, the United States would be by far the greatest gainer. Nearly all the articles we export to our neighbors are subjected to heavy customs taxes; so heavy, in many cases, as to prohibit their consumption by the masses of the people. On the other hand, more than 87 per cent. of our imports from Latin America are admitted free, leaving but 12 per cent. upon which duties may still be removed. But, mindful of the fact that the United States has, from time to time, removed the duties from coffee, cocoa, india rubber, hides, cinchona bark, dye and cabinet woods, and other Latin America products, our Government may confidently ask the concessions suggested.

The increased exports would be drawn alike from our farms, our factories, and our forests. None of the Latin American countries produce building lumber; the most of them are dependent upon foreign markets for their breadstuffs and provisions, and in few is there any opportunity or inclination for mechanical industry.

The effect of such reciprocity would be felt in every portion of the land. Not long ago the Brazilian Mail Steam-ship Company took the trouble to trace to its origin every article that composed the cargo carried by one of its steamers to Rio de Janeiro, and the investigation disclosed the fact that thirty-six States and Territories contributed to the total, as follows:

New York	$74,546.00	North Carolina	2,647.00
Vermont	96.00	Maryland	2,359.00
Delaware	20,908.00	Mississippi	2,056.00
Illinois	19,331.47	Louisiana	2,111.00
New Jersey	17,054.40	Wyoming	1,800.00
Pennsylvania	43,065.00	Oregon	1,183.00
Connecticut	11,874.00	Tennessee	1,150.00
Kansas	11,332.00	Iowa	807.00
Indiana	9,098.00	South Carolina	587.00
Massachusetts	7,190.00	Kentucky	781.00
Ohio	6,250.00	Wisconsin	576.00
New Hampshire	6,035.00	California	239.00
Missouri	5,773.00	Dakota	220.00
Georgia	5,096.00	Texas	162.00
Rhode Island	4,020.00	Nebraska	125.00
Michigan	3,732.00	Alabama	56.00
Virginia	3,704.50	Florida	40.00
Maine	2,765.00		
Minnesota	2,668.00		$301,417.41

The 12 per cent. of our imports from Latin America upon which duties are still assessed consists only of raw sugar, and the coarse grades of wool used in the manufacture of carpets.

The sugar-growing nations comprise four-fifths, or 40,000,000, of Latin America; but with geographical conditions against them, their free labor can not successfully compete with the coolie labor of the European colonies. A slight discrimination in their favor would greatly stimulate their agricultural interests, enlarge their purchasing power, and tend to promote friendly sentiments and intercourse.

The wool-growing nations are Chili, Uruguay, and the Argentine Republic, and from them our manufacturers of carpets receive a great portion of their supply. It was most strongly urged by the Delegates who had carefully studied this subject, that the free admission of coarse wools from these countries could not prove injurious to the wool-growers of the United States, because the greater profit derived by them from the higher grades discourages, if it does not actually prohibit, their production. On the contrary, they maintained that the free importation of the coarse wool would result in a large reduction in the cost of the cheaper grades of carpets, and enable the manufacturers of the United States to secure an enormous export trade in these fabrics. It was also suggested that the use of the coarse wools for the purpose of adulteration in the manufacture of clothing might be prevented by requiring that imports withdrawn for the manufacturer of carpets should be so designated to exempt them from customs dues, and the existing duty retained upon those used for other purposes.

The wool-growers of the Argentine Republic protest against what they consider a serious discrimination against their product in the tariff laws of the United States, which impose a duty upon the gross weight instead of the value of the article. The Argentine wools are much heavier in grease and dirt than those from Australia and New Zealand, which is said to be due to unavoidable climatic conditions, and sell at a lower price. But the imports from the three countries are subject to the same duty. This fact was very strongly urged, to the end that at least equal advantages should be given to the products of a friendly country with which we are endeavoring to build up a trade.

Excepting raw cotton, our four largest exports during the last fiscal year were breadstuffs, provisions, refined petroleum, and lumber.

The following statement shows the total exports of each of said articles in 1889, and the proportion exported to Latin America:

	Total exports.	Exported to Latin America.
Breadstuffs	$123, 876, 423	$5, 123, 528
Provisions	104, 122, 328	2, 507, 375
Refined petroleum	44, 830, 434	2, 948, 149
Wood and lumber	26, 907, 161	5, 039, 886

These figures should be closely studied. It would be difficult to understand, but for the explanations given in the Conference, why, out of the three hundred millions of staples exported from this country, only fifteen millions should be consumed in all Latin America with its population of fifty millions of people, when the United States is the only source of supply for these articles, which are regarded by us as the necessities of life.

The foreign delegates all agreed that this proportion could be increased many fold by extending to their people the ability to purchase; and the ability to purchase rests, in their opinion, upon reciprocal concessions.

Attached hereto is a statement showing the duties charged by the South American countries of the largest commerce upon the articles which they import chiefly from the United States; and also a statement showing the meager amounts of our peculiar exportable products shipped to the several Latin-American States. By a comparison of these statements the effect of the removal of the duties upon these articles by the countries of Latin America will at once be apparent.

Fifteen of the seventeen Republics with which we have been in conference have indicated, by the votes of their representatives in the International American Conference, and by other methods which it is not necessary to define, their desire to enter upon reciprocal commercial relations with the United States; the remaining two express equal willingness, could they be assured that their advances would be favorably considered.

To escape the delay and uncertainty of treaties it has been suggested that a practicable and prompt mode of testing the question was to submit an amendment to the pending tariff bill, authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports free of all national, provincial, (state), municipal, and other taxes, our flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice and other provisions, including all articles of food, lumber, furniture and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, and refined petroleum. I mention these particular articles because they have been most frequently referred to as those with which a valuable exchange could be readily effected. The list could no doubt be profitably enlarged by a careful investigation of the needs and advantages of both the home and foreign markets.

The opinion was general among the foreign delegates that the legislation herein referred to would lead to the opening of new and profitable markets for the products of which we have so large a surplus, and thus invigorate every branch of agricultural and mechanical industry. Of course the exchanges involved in these propositions would be rendered impossible if Congress, in its wisdom, should repeal the duty on sugar by direct legislation, instead of allowing the same object to be attained by the reciprocal arrangement suggested.

Respectfully submitted.

JAMES G. BLAINE.

APPENDIX A.

EXPORTS TO LATIN AMERICA.

Statement showing the amount of breadstuffs, provisions, refined petroleum, and lumber exported to the Latin American States during the fiscal year ending June 30, 1889; also the population of each of said States.

BREADSTUFFS.

In 1889 our shipment of breadstuffs to Latin America were as follows:

	Population.	Exports.
Mexico	12,000,000	$345,048
Central America	2,800,000	821,318
Colombia	3,900,000	821,318
Venezuela	2,200,000	668,766
Brazil	14,000,000	2,812,281
Uruguay	600,000	2,033
Ecuador	1,000,000	None.
Argentine Republic	3,900,000	Do.
Bolivia	1,200,000	Do.
Chili	2,500,000	Do.
Paraguay	250,000	Do.
Peru	2,600,000	46,284
Total	46,950,000	5,136,528

PROVISIONS.

Our exports of provisions during the same year were as follows:

	Population.	Exports.
Mexico	12,000,000	$390,425
Central America	2,800,000	265,873
Colombia	3,900,000	607,474
Venezuela	2,200,000	554,653
Brazil	14,000,000	438,395
Uruguay	600,000	42,900
Ecuador	1,000,000	None.
Argentine Republic	3,900,000	49,431
Bolivia	1,200,000	None.
Chili	2,500,000	Do.
Paraguay	250,000	Do.
Peru	2,600,000	114,873
Total	46,950,000	2,507,375

REFINED PETROLEUM.

Our shipments of refined petroleum were as follows:

	Population.	Exports.
Mexico	12,000,000	$175,537
Central America	2,800,000	None reported.
Colombia	3,900,000	Do.
Venezuela	2,209,000	88,926
Brazil	14,000,000	832,367
Uruguay	600,000	241,276
Ecuador	1,000,000	None.
Argentine Republic	3,900,000	426,654
Bolivia	1,200,000	None.
Chili	2,500,000	183,389
Paraguay	250,000	None.
Peru	2,600,000	Do.
Total	46,950,000	2,948,149

Statement showing the amount of breadstuffs, etc., exported to the Latin American States, etc.—Continued.

WOOD AND LUMBER.

Our exports of wood and the manufactures thereof, including furniture, were as follows:

	Population.	Exports.
Mexico	12,000,000	$1,220,126
Central America	2,800,000	205,160
Colombia	3,900,000	457,519
Venezuela	2,200,000	72,765
Brazil	14,000,000	384,495
Uruguay	600,000	412,754
Ecuador	1,000,000	None.
Argentine Republic	3,900,000	1,839,012
Bolivia	1,200,000	None.
Chili	2,500,000	279,495
Paraguay	250,000	None.
Peru	2,600,000	108,560
Total	46,950,000	5,089,886

APPENDIX B.

SOUTH AMERICAN TARIFF.

The following statement shows the duties charged by several countries of South America upon the principal articles imported from the United States. Duties are assessed upon the gross weight of the package, including the lumber of which it is made, and the waste often used to fill up. The duty on petroleum, for example, is charged per pound upon the whole, the can and the wooden frame that incloses the can.

ARGENTINE REPUBLIC.

Law 1886. Tariff not a continuing law. Only runs the year for which enacted; each Congress modifying its provisions. Tariff except for a few specified articles is ad valorem.

Tariff for 1889.—*Specified articles.*

Wheat	per cwt.	$0.80
Starch	do	3.50
Crackers and biscuits	do	4.50
Flour and corn meal	do	2.00
Kerosene	per quart	.05
Furniture, preserved fruits, preserved vegetables, preserved meats	per cent. ad valorem	45
White pine and spruce lumber	per cent. ad valorem	10
Agricultural implements:		
Plows	per cent. ad valorem	5
Spades, handles, axes, hatchets, cutting knives, sickles	do	25
Machines for adjusting wire fences; for making butter	do	25
Fanning-machines	do	5
Corn mills	do	25
Threshing-machines	do	5
Steam-engines	do	5
Mowers and reapers	do	5
Fish	do	25
Provisions:		
Beef, pork, bacon, lard, butter, cheese, etc	do	25
Hams		Free

NOTE.—By a supplemental law there is a duty of 1 per cent. additional to the rates above specified on all articles of importation.

BRAZIL.

Breadstuffs:		
Barley	per cwt.	$4.00
Biscuits:		
Ship biscuits	do	.20
Other kinds of crackers	do	4.00
Corn	do	1.00
Flour	do	.20
Fish:		
Salted, dried, or pickled	do	.40
Preserved, in whatever manner prepared	do	5.70
Kerosene	do	1.10
Provisions:		
Hams, prepared in any way	do	4.70
Canned, of any preparation, not medical	do	5.70
Sausages	do	9.50
Lard	do	2.30
Butter	do	6.60
Cheese	do	5.70
Wood:		
Oak (stocks)	per meter	$0.16 to $3.25
Pine (stocks) or other wood, not classified	do	.08 to 1.68
Planks or logs of oak, teak, or pine	per cubic meter	.67
Staves	per pound	.04
Chairs	each	.12 to 3.36
Beds	do	3.36 to 12.60
Bureaux	do	2.10 to 12.60
Washstands	do	.75 to 8.40
Tables	do	1.68 to 15.12
Sofas	do	.63 to 8.40

CHILI.

	Specific.	Ad valorem.
Agricultural implements:		*Per cent.*
Machinery, gross	$10.00 per cwt	15
Plows, gross	$6.50 per cwt	15
Spades, shovels, gross	$20.00 per cwt	15
Forks:		
Three-teeth	$7.00 per dozen	15
Four-teeth	$8.00 per dozen	15
Five-teeth	$12.00 per dozen	15
Six-teeth	$15.00 per dozen	15
Biscuits:		
Ship	$6.50 per cwt	35
Cabin	$8.70 per cwt	35
Fish, large, dried, smoked, or salted, gross	$6.00 per cwt	35
Salmon:		
Dried, smoked, or salted, gross	$8.50 per cwt	35
Tinned, gross	$12.50 per cwt	35
Small fish:		
Dried, smoked, or salted, net	$8.50 per cwt	35
Tinned, net	$11.00 per cwt	35
Fruits, preserves, gross	$15.00 per cwt	35
Naptha, paraffine, petroleum, and kerosene	$4.00 per cwt	25
Provisions, salted beef or pork, gross	$6.00 per cwt	25
Lard:		
In tins, gross	$15 00 per cwt	
In kegs, gross	$11.00 per cwt	25
Cheese	$20.00 per cwt	25
Vegetables:		35
Dried, gross	$15.00 per cwt	
In water, vinegar, or sauce (bottled), gross	$10.00 per cwt	25
In water, vinegar, or sauce (barreled), gross	$5.00 per cwt	25
Wood, furniture on valuation		35

NOTE.—In addition to the percentage specified in the tariff there is a surcharge of 40 per cent. on all goods.

COLOMBIA.

[Gross weight.]	Per cwt.
Flour, corn meal, and other breadstuffs	$2.30
Potatoes, onions, corn, rice, and beans	.50
Codfish, meat in pickle	2.30
Preserved meats	10.00
Petroleum	4.50
Lumber	.50
Beds, large tables for dining	2.50
Other furniture	15.00
Iron or steel wire for fences	1.50
Machinery exceeding a ton in weight	.50
under a ton in weight	2.50
Agricultural machines	1.60

NOTE.—An additional duty of 25 per cent. is charged (under decree 693 of 1885).

VENEZUELA.

[Gross weight.]	Per cwt.
Breadstuffs:	
Bran, barley (in husk), corn, oats, rice (in grain), rye (in grain), wheat (in grain)	$0.87
Beans, rice (ground), potatoes	2.21
Barley, corn starch	6.63
Crackers, sweet	6.64
plain	2.21
Wheat flour	2.21
Potatoes, corn and rye flours	6.63
Fruits:	
Fresh apples, pears, and grapes	.87
Dried, or in liquor or in sirup	6.63
Fish (salt or smoked)	2.21
Steel wire	6.63
Iron wire (galvanized) unmanufactured	.87
Beer	2.21
Kerosene	2.21
Provisions:	
Hams, tongues	2.21
Lard and butter	2.21
Cheese	6.63
Vegetables, preserved	6.63
Wood manufactures:	
Common, such as boards, beams, and scantling of pine, oak, etc., for sawing into boards	.87
Sawed, planed, or joined, fine, for musical instruments and cabinet work, veneers, barrels, pipes, or hogsheads, set up or in part, staves, blinds, for doors and windows	2.21
Manufactured (not specified) billiard and bagatelle tables with accessories, boxes, chairs, piano stools, carpenters' chests, planes, saddle-trees, furniture (common) of wood, cane, or straw	6.63
Sashes, molding, trunks	11.05
Furniture, upholstered or of fine woods	11.05

APPENDIX C.

REPORT ON CUSTOMS UNION.

(As adopted by the Conference.)

The Committee on Customs Union has made a careful study of the questions submitted to its consideration by the International American Conference, in reference to forming a customs union among the several nations of this continent.

It is generally understood by customs union the establishing among several nations of a single customs territory, to wit, that the nations forming the union shall

collect import duties on foreign goods, under substantially the same tariff laws; divide the proceeds thereof in a given proportion, and mutually receive, free of duty, their respective natural or manufactured products.

The acceptance of this plan would demand, as a previous requirement, a change in the fundamental laws of the countries accepting the union. Even after they were ready to make such changes, a great many other difficulties, almost insurmountable, would have to be overcome; as, for instance, fixing the representation of each nation at the international assembly empowered to frame a common tariff and amend it in the future. The territorial extent, the populations, and the national wealth differ so much among the American Republics that if these conditions should be taken as the basis of representation at said assembly, the small States would not have sufficient protection for their interests; and, if all the nations were admitted as sovereign on an equal footing, the large ones would be insufficiently protected. It might be necessary, to obviate this difficulty, to create two bodies, one representing the population and the other the States, in the manner in which a like problem was solved in the Constitution of the United States of America. But this step would, in the opinion of the committee, require a partial sacrifice of the national sovereignty of the American nations, and more radical changes in their respective constitutions than in their judgment they are willing to accept.

If by customs union is meant the free-trade between the American nations of all their natural or manufactured products, which is, properly speaking, unrestricted reciprocity, the committee believes it is in principle acceptable, because all measures looking to the freedom of commerce must necessarily increase the trade and the development of the material resources of the countries accepting that system, and it would in all probability bring about as favorable results as those obtained by free-trade among the different States of this Union.

But while the committee believes that such a union is at present impracticable as a continental system, among other reasons because the import duties levied on foreign trade constitute the main sources of revenue of all the American nations, and such of them as are not manufacturing countries would thus lose more or less of such revenue, on which they depend in a great measure to defray their national expenses; while the manufacturing countries, such as the United States of America, would have to abandon, at least partially, the protective policy which they have adopted to more or less extent, and they do not seem yet prepared to change that system. Besides, a reciprocity treaty mutually advantageous between two contiguous countries might prove onerous if extended to all as a continental compact, especially as the products of many of the American Republics are similar. Therefore, while these obstacles are in the way, it seems premature to propose free trade among the nations of this hemisphere.

But although it is not easy, in the opinion of the committee, to reach at once unrestricted reciprocity, that end might be obtained gradually and partially. The first and most efficient step in that direction is the negotiation of partial reciprocity treaties among the American nations, whereby each may agree to remove or diminish their respective import duties on some of the natural or manufactured products of one or more of the other nations in exchange for similar and equivalent advantages, as, if the mutual concessions were not equivalent, the treaties would soon become odious, and could not last but for a limited time, and would discredit the system. If after this has been tried for some reasonable time a good result should follow, as it is to be expected, the number of articles on the free list might be enlarged in each case, from time to time, until they attain, through the development of the natural elements of wealth, other sources of revenue or an increase of the existing ones, which would allow the contracting nations to reach unrestricted reciprocity or a free trade among some or all the American nations.

RECOMMENDATION OF THE CONFERENCE.

Therefore the committee proposes:

To recommend to such of the Governments represented in the Conference as may be interested in the concluding of partial reciprocity, commercial treaties, to negociate such treaties with one or more of the American countries as it may be in their interest to make them, under such a basis as may be acceptable in each case, taking into consideration the special situation, conditions, and interests of each country, and with a view to promote their common welfare.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 159.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Letter of the Secretary of the Interior with estimates of appropriations for new land offices.

JUNE 20, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *June* 18, 1890.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Secretary of the Interior of the 17th instant, submitting supplemental estimates required for newly established land offices, as follows:

Salaries and commissions of registers and receivers	$96,000
Contingent expenses of land offices	25,000

both for the fiscal year ending June 30, 1891.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 17, 1890.

SIR: I have the honor to transmit herewith for the favorable consideration of Congress a supplemental estimate of appropriation for "salaries and commissions of registers and receivers," amounting to $96,000, required for the newly established land offices in the States of Washington, Colorado, South Dakota, Montana, and Nebraska, and Territories of Wyoming and Oklahoma; also an estimate of $25,000 for contingent expenses of said offices.

Very respectfully,

J. W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 17, 1890.

SIR: I have the honor to submit herewith supplemental estimate for the salaries and commissions of registers and receivers of the newly established land offices in the States of Washington, Colorado, South Dakota, Montana, Nebraska, Wyoming, and the Territory of Oklahoma. Also, for contingent expenses of these offices.

This supplemental estimate becomes necessary because the new land offices indicated have been by law created during the present session of Congress, since the regular office estimates were submitted.

The estimates for salaries of the registers and receivers are based on maximum compensation. The probabilities are that some of the offices may not reach the maximum compensation, but, in the absence of any data upon which this office could base the salaries that will be required, this estimate is submitted as if the offices were all maximum.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

Additional estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the General Land Office.

Expenses of collecting the revenue from the public lands:	
Salaries and commissions of registers and receivers: For compensation of registers and receivers at the following newly established land offices: Olympia and Waterville, Wash.; Sterling, Akron, and Hugo, Colo.; Pierre and Chamberlain, S. Dak.; Lewiston and Missoula, Mont.; Alliance and Broken Bow, Nebr.; Lander, Douglas, and Sundance, Wyo.; Oklahoma and Buffalo, Oklahoma Territory ($6,000 each)	$96,000
NOTE.—*Provided*, That the fees on homestead and timber culture entries shall be included in calculating the fees and commissions of registers and receivers.	
The estimates herein submitted are based upon maximum compensation. The probabilities are that some of the offices may not reach the maximum compensation, but in the absence of any data the estimated is submitted as if the offices were maximum.	
Contingent expenses of the above-named offices:	
For clerk hire, rent, and other incidental expenses of the several offices named above	25,000
Total	121,000

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 160.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A letter of the Secretary of the Interior, with additional estimate of appropriation for contingent expenses of the Interior Department.

JUNE 20, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
June 19, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 18th instant, submitting an additional estimate of appropriation for "Contingent Expenses, Department of the Interior," for the fiscal year ending June 30, 1891, in the sum of $18,481.80, for furniture, etc., on account of the contemplated increase in the clerical force of the Pension Office.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 18, 1890.

SIR: I have the honor to transmit herewith, with my approval, an estimate submitted by the Commissioner of the Bureau of Pensions, amounting to $13,481.80, for additional furniture for the use of the increased clerical force contemplated in the estimate transmitted on the 12th instant, also an estimate of $5,000 for two printing-presses.

I would respectfully request that the appropriation, "Contingent expenses, Department of the Interior, 1891," be augmented by Congress, by the above sums.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 14, 1890.

SIR: I have the honor to hand you herewith an estimate of the amount which will be required for additional furniture for the use of the increased clerical force of the Pension Bureau recommended in my letter of the 12th inst.

Very respectfully,

GREEN B. RAUM,
Commissioner.

The SECRETARY OF THE INTERIOR.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1891, *by the Bureau of Pensions, Department of the Interior.*

Contingent expenses, Department of the Interior:

Additional furniture needed for use of increase in clerical force in Pension Bureau, as follows:

450 desks, No. 1 black walnut, single, at $17.95	$8,077.50
100 chairs, Congressional, at $7.74	774.00
100 chairs, Victoria, at $4.37	437.00
250 chairs, Continental, at $4.37	1,092.50
60 file cases, complete, at $51.68	3,100.80
2 printing-presses, 1 medium and 1 small	5,000.00
Total	18,481.80

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 161.

LETTER

FROM

THE SECRETARY OF THE INTERIOR.

TRANSMITTING

A letter of the Commissioner of the General Land Office, relative to a proposed change of law regarding the accounts of disbursing officers.

JUNE 20, 1890.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 18, 1890.

SIR: I have the honor to transmit herewith a communication from the Commissioner of the General Land Office, inclosing a circular issued by the Secretary of the Treasury, in which the opinion of the Attorney-General is quoted in reference to the proper construction to be placed upon section 3622, Revised Statutes, in relation to the rendition of accounts by disbursing officers. He also submits a draft of an item providing for the modification of section 3622, which I recommend be incorporated in some clause of the sundry civil appropriation bill, relating to land matters now pending in the Senate.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 17, 1890.

DEAR SIR: I desire to hand you herewith a copy of the circular issued by the Treasury Department on the 27th ultimo, in which an opinion of the Hon. Attorney-General is promulgated for the information and guidance of disbursing officers and others.

The rendition of accounts monthly by the disbursing agents and receivers of this Department will require a great deal of extra labor.

Section 2245 of the Revised Statutes provides—

> That receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices and pay over such money pursuant to his instruction.

Receivers are now making monthly returns to the Secretary of the Treasury, as provided in this section:

They shall also make to the Commissioner of the General Land Office like monthly returns, and transmit to him *quarterly* accounts current of the debits and credits of their several offices with the United States.

This office is complying strictly with this statute, and in my opinion, this is all that is required of receivers of public moneys.

I have the honor to recommend that the inclosed draft of an item for the modification of section 3622, Revised Statutes, be incorporated in the pending Land Office appropriation bill.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

The SECRETARY OF THE INTERIOR.

An item to be inserted in the pending Land Office appropriation bill.

That hereafter all disbursing officers of the land service under the direction of the Commissioner of the General Land Office are required to render their accounts quarterly, and within six days after the expiration of each successive quarter.

Section 3622, Revised Statutes, is hereby modified accordingly.

[Circular.]

RENDITION OF ACCOUNTS.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 27, 1890.

To DISBURSING OFFICERS AND OTHERS:

The following opinion of the Attorney-General is hereby promulgated for your information and guidance:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 12, 1890.

SIR: Your communication of January 27, 1890, submits for opinion three questions which have arisen in the Treasury Department upon Section 3622, Revised Statutes, which section is in the following language:

"Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the bureau to which they pertain, within ten days after the expiration of such successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury, or proper bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of [*Department*] [Departments], as the public interest may require."

I. The first question is in these words: "The first clause of the statute is as follows:

"'Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly.'

"Does this clause require the rendition of monthly accounts by every officer or agent who receives advances of public money from the Treasury, to be disbursed under ap-

51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 162.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Letter of the Chief of Bureau of Printing and Engraving, recommending the enlargement of the building occupied by the Bureau.

JUNE 20, 1890.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT,
June 20, 1890.

SIR: I have the honor to transmit herewith a communication from the Chief of the Bureau of Engraving and Printing of the 18th instant, calling attention to the necessity for an enlargement of the bureau building and for an out-building for ink-mills, carpenter-shop, etc., as fully explained in the inclosed House Ex. Doc. No. 235, of the present session.

I am fully convinced of the necessity for the additional accommodations asked for, and strongly recommend that provision therefor be made in the sundry civil bill now pending in the Senate.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
June 18, 1890.

SIR: I have the honor to again call your attention to the urgent necessity for an enlargement of the building for this bureau in order to enable it to properly and promptly execute the work required of it. The necessity for this enlargement has been set forth in detail in letter addressed to you February 14, 1890, which was transmitted by you to the Speaker of the House of Representatives, a copy of which is herewith transmitted (House Ex. Doc. No. 235, Fifty-first Congress, first session).

Plans have been prepared by the Supervising Architect for a wing on the west side of the building corresponding as nearly as possible with

the wing on the east side, making the building form an "E" instead of an "F." This extension would give about 13,000 square feet additional space for the working operations of the bureau, besides additional space for storage in the sub-basement and for dressing-rooms in the attic, so arranged as to give plenty of natural light and fresh air. It is estimated that the cost, including heating and ventilating, will be $80,000. Plans have also been prepared for an out-building suitable for all the purposes of the bureau, the estimated cost of which is $20,000.

I have the honor to request that this matter be submitted to the Senate with a favorable recommendation from you, and a request that the following amendments to the sundry civil appropriation bill for the fiscal year 1891, which has just been passed by the House of Representatives, be made:

For the erection of a wing at the west end of the building of the Bureau of Engraving and Printing, including heating and ventilating, the work to be performed under the direction of the Supervising Architect of the Treasury Department, $80,000.

For the erection of an out-building for the Bureau of Engraving and Printing specially adapted for the purposes of an ink-mill, carpenter-shop, harness house, stable, and for storage, the work to be performed under the direction of the Supervising Architect of the Treasury Department, $20,000.

Respectfully, yours,

WM. M. MEREDITH,
Chief of Bureau.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

[House Ex. Doc. No. 235, Fifty-first Congress, first session.]

Letter from the Secretary of the Treasury, transmitting estimates of appropriations for additional buildings to increase the facilities of the Bureau of Engraving and Printing.

TREASURY DEPARTMENT, *February* 24, 1890.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, estimates of appropriations submitted by the Chief of the Bureau of Engraving and Printing for increasing the facilities of that Bureau in the way of additional buildings, viz:

For the erection of a wing at the west end of the building proper, including heating and ventilation	$80,000
For the erection of an outbuilding for the purpose of an ink mill, carpenter shop, stable, etc.	20,000

The necessity for these buildings is fully set forth in the accompanying letter of the Chief of the Bureau.

Respectfully, yours,

W. WINDOM,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
Washington, D. C., February 14, 1890.

SIR: I deem this a favorable time, while the Committee on Public Buildings and Grounds of the Senate and House of Representatives are considering the question of increasing the facilities in the way of buildings for transacting the public business in this city, to call your attention to the crowding of the employés in this building and the consequent necessity for its enlargement. The principal operation of the Bureau is that of plate-printing. This work is executed on the third floor of the building, which is entirely devoted to this purpose. Upon this floor there are two hundred and ten hand plate-printing presses with the necessary tables for the printers and assistants. To get this number of presses in position it was necessary to place them very close together, so that in a majority of cases the handles of the presses are not more than 7 inches apart. The tables also had to be placed very close to the presses, so that the space for the printer and assistant to move in is very narrow. The stoves used by the printers are also placed very near each other. This crowding frequently makes it necessary for one printer to wait while his neighbor is going through the operation of pulling an impression or removing his plate to or from the stove. Failure to do this results in injury to printers by their being struck with the handle of the press or cut with the sharp edge of the steel plate.

Of the two hundred and ten presses two hundred and nine are in daily operation, requiring the services of the same number of men and of women, making four hundred and eighteen persons, besides helpers and other employés, bringing the total up to not less than four hundred and fifty persons who are constantly at work in the press-room. This large number of persons in close proximity to each other must necessarily vitiate the air to a considerable extent, and when it is remembered that there are two gas-jets burning at each of the presses it will be readily understood that the press-room in its present crowded state is not a healthful place for men and women to work in.

To provide dressing-room accommodations for this large force it has been necessary to fit up the space between the ceiling of the third story and the roof for this purpose. While I am informed that these dressing-rooms are in much better condition now than formerly, the place in which they are located is not suitable for the purpose. Being immediately under the roof, which is composed of iron and slate, it is extremely hot in the summer and difficult to keep warm in the winter, and the only means of lighting it is by skylights in the roof.

On the second floor, in the examining division, additional room is needed for pressers' tables, the space now allotted to this work being so limited that two of the tables had to be located outside of it, and in a very undesirable situation, where the operatives are subjected to draughts of cold air.

Additional room is also needed for work-tables for examiners and assorters. So limited is the space which can be alloted to this work that it is necessary to place the securities on chairs and benches in order to give the operatives sufficient room to work at the tables. The present method of drying the printed work is in a sheet-iron inclosure located under the roof of the boiler-house. This method is objectionable as the work has to be rapidly dried at a high temperature, while the best results would be obtained by slow drying at a low temperature. To accomplish this would require a large, well-lighted, and well-heated room, but such a room is not now at my disposal.

In the numbering-room the space allotted to the counters and examiners is so contracted that it is with the utmost care and with difficulty that the trucks in which the work is brought to and taken from the division can be turned. Visitors who are permitted to enter this division to witness its operations have but a small, narrow passageway in which to stand, and this space is frequently so crowded as to impede the operations of the division.

On the basement floor the bindery is located in rooms that are wholly unsuited to its work. These rooms are cut up by partition walls that were built to conform to the arrangement of the offices on the floor above. The space allotted to this division is also inadequate, and as a consequence many of the employés are forced to work in the subbasement, which is entirely below grade, and unsuitable for work-rooms. A portion of the machinery of this division is also located outside of the precincts of the division, and employés must go to and from the division to operate it. On this floor there is a small press-room containing ten hand plate-printing presses, which are equally as crowded as those on the upper floor. Attached to this press-room is a vaulted room under the main entrance to the Bureau, having neither natural light nor air, which was fitted up as a dressing-room for the men and women employed in the press-room. The entrance to this dressing-room was originally by one doorway; but a partition was erected from the center of the doorway diagonally across the room, dividing it into two parts, the men occupying the space on one side of the partition and the women the other side. These spaces answered the purposes of water-closets, wash-rooms, and dressing-rooms. To remedy this condition of affairs I recently walled off a portion of the main hallway on this floor and fitted it up for a dressing-room for the women, thus taking them from such close proximity to the men and giving them daylight and air.

On this floor is also located the ink-mills. The space allotted these machines is insufficient for a comfortable performance of the work, and is undesirably located, being near a coal-pile, from which the wind blows grit into the ink while in the process of grinding. There is also allotted to the ink-mills considerable space in the subbasement for the storage of the dry colors and the mixing of the same as required. This space is adjacent to the elevator, and the finely powdered colors, many of which are poisonous in their nature, are carried up the elevator-shaft to every floor of the building as a fine dust, which is taken into the lungs of the employés at every breath. It soils everything with which it comes in contact, and injures the fine machinery by settling on it in the form of grit. The mixing-room is without natural light and air, and is unfit for human beings to work in. This work should be removed from the main building, and should be located in an outbuilding specially adapted to the purpose. A portion of the machine division is located on the basement floor; but want of space has compelled the placing of the larger part of the machinery of this division in the subbasement. The space assigned for this purpose in the subbasement is wholly unsuitable. This division should be located entirely on the basement floor, where the master machinist could overlook all its operations. This could be done if the surface branch, which occupies a room adjoining the machine-shop, could be located in some other part of the building.

In the event of the removal of the tax on tobacco and snuff the reduction of the work which would be caused by the discontinuance of the stamps used in the collection of this tax would not remedy these evils, because the demands upon the Bureau are now in excess of what its capacity is during the regular working hours of each day, and the force of plate-printers are therefore required at present to work an

hour and a half overtime daily. A careful estimate shows that the discontinuance of the stamps for tobacco and snuff would reduce the work to about a point where it could be accomplished during the regular working hours with the present arrangements and facilities. The only way to afford relief, therefore, is to enlarge the building. To this end plans have been prepared by the Supervising Architect for a wing on the west side of the building, corresponding as near as practicable with the wing on the east side, and making the building form an E instead of an F. This extension would give about 13,000 square feet of additional space for the working operations of the Bureau, besides additional space for storage in the subbasement, and for dressing-rooms in the attic, so arranged as to give plenty of natural light and fresh air. It is estimated that the cost, including heating and ventilating, will be $80,000.

On the outside of the building the carpenter shop is located in a frame structure erected about ten years ago with the expectation that its use for this purpose would be temporary. This structure is connected with the main building by a wooden flue, through which a belt is run to operate machinery needed by the carpenters. It is a constant menace to the establishment from its liability to take fire. At the rear of the carpenter shop is an open frame shed for the storage of lumber, and to the east of this is an inclosed frame shed for the storage of material and property not in use. To the west are the harness house, stables, and inclosed shed, in which machinery is stored. The harness house is the old lodge used by the superintendent of the building while it was in process of construction, and the stable is a temporary board structure. All of these branches of the Bureau's work should be suitably located in a fire-proof outbuilding. Space should also be provided for the storage of the coal used by the Bureau, which is now piled in the yard near the main building. The exposure of the coal undoubtedly injures its quality, and it would be economy to house it. This would also prevent the fine grit from the coal from being blown into the main building. Plans have been prepared for an outbuilding suitable for all these purposes, the estimated cost of which is $20,000. I have the honor to request that this matter be submitted to Congress with a favorable recommendation for the appropriation of the estimated cost of the structures mentioned, as follows:

For the erection of a wing at the west end of the building of the Bureau of Engraving and Printing, including heating and ventilation, the work to be performed under the direction of the Supervising Architect of the Treasury Department	$80,000
For the erection of an outbuilding for the Bureau of Engraving and Printing especially adapted for the purposes of an ink-mill, carpenter-shop, harness house, stable, and for storage, the work to be performed under the direction of the Supervising Architect of the Treasury Department	20,000

Respectfully, yours,

WM. M. MEREDITH,
Chief of Bureau.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 163.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

In response to resolution of June 17, 1890, reports relative to the work on the improvement of the entrance to the St. John's River, Florida.

JUNE 20, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 20, 1890.

The Secretary of War has the honor to transmit to the Senate a letter of the Chief of Engineers of the 19th instant, together with copies of the reports and map therein referred to, relative to the improvement of the entrance to St. John's River, Florida, and the cost of the improvement of Indian River, Florida, in response to resolution of the Senate of the 17th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the latest reports to the Chief of Engineers of the condition of the work for the improvement of the entrance to the St. John's River, Florida; also, the latest report of the cost of improvement of Indian River, Florida, and the estimate of the Chief of Engineers based on the latest reports.

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 19, 1890.

SIR: I have the honor to acknowledge reference to this office for report of Senate resolution of the 17th instant, directing the Secretary of War—

to transmit to the Senate the latest reports to the Chief of Engineers of the condition of the work for the improvement of the entrance to the St. John's River, Florida; also, the latest report of cost of improving the St. John's River, Florida; also the latest report of the cost of improvement of Indian River, Florida, and the estimate of the Chief of Engineers based on the latest reports.

This resolution was referred to Capt. William M. Black, Corps of Engineers, in local charge of the works mentioned and I beg to submit a copy of that officer's report dated June 18, 1890, together with copy

of report dated June 16, 1890, of his assistant, Lieut. D. D. Gaillard, Corps of Engineers, respecting improvement of Indian River. These papers contain the information called for by the resolution which is herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

CONDITION OF THE WORK FOR THE IMPROVEMENT OF THE ENTRANCE TO ST. JOHN'S RIVER, FLORIDA.

The condition of the jetties has not been changed materially since February 6, 1890, the date of the last report, published in Senate Ex. Doc. 61, of the present session of Congress, to which I would respectfully invite attention.

The tracing forwarded herewith shows the changes produced by the jetties during the past year; the red lines are from the survey of May, 1889, and the black lines from that of May, 1890. The portion shaded in red shows the area between the jetties having less than 6 feet of water on it at mean low-water in 1889. The change in area and position of this shoal is shown by the black shaded portion.

It will be noted that the north jetty channel, which is in the position which the channel is expected to hold when the improvement is completed, has been extended seaward markedly; that at its outer end the 6-foot contour is in the position occupied by the outer 6 foot contour of the bar in 1889; that the width of the bar opposite the north jetty channel has markedly decreased; that the sand of the shoal between the north and south channels has been decreased in volume and has been pushed to the south and out; and that the improvement of the north channel has been accompanied, as was expected by the deterioration of the south channel.

It is now of the greatest importance that the next work done shall be so directed that the new north channel shall be available for navigation before the south (the present ship channel) is closed.

To insure this continuity of navigation while the work is being carried on on the lines most economical and advantageous from an engineering stand-point, would require an available sum of $300,000. With $150,000 or less the amount of work possible would be so small that either the navigation interests would be endangered or the work would have to be carried on in such a manner as to increase the final cost of the improvement.

The estimated cost of completing the project of obtaining a channel 15 feet deep at mean low water from Jacksonville to the ocean is $640,000, of which $175,000 is to be used on the defective reaches near Dame's Point.

COST OF IMPROVING ST. JOHN'S RIVER, FLORIDA.

As the cost of completing the project for improving the St. John's River between Jacksonville and the ocean has been laid before the Senate in Ex-Doc., No. 61, of the present session, it is presumed that the object of the resolution of June 17, is to obtain an estimate of the

cost of improving St. John's River above Jacksonville as called for by the joint resolution passed by the Senate on May 16, 1890.

St. John's River is now navigable for steamers drawing 12 feet of water as far as Jacksonville, 28 miles from the bar; from there to Palatka, a distance of 58 miles, about 9½ feet of water can be carried. Above Palatka the river loses the characteristics of a tidal estuary which it has had to this point. It becomes narrow and crooked, with numerous shoals and short bends. These, with the broad expanse of shallow water comprised in Lake George, limit the navigation above Palatka to river vessels drawing not more than about 5 feet of water. This depth is found everywhere as far as Sanford, 175 miles from the mouth.

In 1879 a project was submitted for making cut-offs at four of the worst bends of the upper river between Lake George and Sanford, at an estimated cost of $43,000; $5,000 was appropriated for this work, but was never expended, the amount being too small to accomplish any useful purpose. Volusia Bar, at the head of Lake George, has also been deepened to 5 feet at low water.

An examination of the United States Coast and Geodetic Survey chart of the St. John's River shows that 14 feet can be carried from Jacksonville south as far as Tocoi Point, 21 miles north of Palatka; between this point and Palatka there is less than 14 feet for 8¼ miles, or less than 12 feet for 2¾ miles.

The estimated volume of dredging required to make a channel 200 feet wide and 12 feet deep as far as Palatka is 274,045 cubic yards and the estimated cost of the dredging is $90,000. To this must probably be added the cost of the necessary training-walls, $12,000.

The cost of the surveys necessary for making a detailed project is $1,000.

COST OF IMPROVEMENT OF INDIAN RIVER, FLORIDA.

The estimated cost of improving Indian River, Florida, between Melbourne and Jupiter Light so as to make it navigable for boats of 5 feet draught is $15,000. This estimate is only approximate, being obtained hastily from the available data.

Respectfully submitted.

W. M. BLACK,
Captain, Corps of Engineers.

WASHINGTON, D. C., *June* 18, 1890.

UNITED STATES ENGINEER OFFICE,
St. Augustine, Fla., June 16, 1890.

GENERAL: In accordance with department indorsement of June 11, 1890, I have the honor to submit the following report in connection with the proposed amendment to H. R. bill 9486, appropriating $30,000 for the improvement of the navigation of the Indian River of Florida, between Melbourne and Jupiter Light.

The entire reach of the Indian River named in the proposed amendment forms a part of the route of the Florida Coast Line Canal and Transportation Company. This company is duly incorporated under the laws of the State of Florida, and has been recognized by special land-grant acts, approved February 6, 1885, and May 29, 1889. (See inclosure A.)

The Company proposes to cut a canal 50 feet wide and 5 feet deep at mean low water, from St. Augustine to Biscayne Bay, following the line of the coast and using, as far as possible, the natural water-ways. Up to May 1, 1889, the company had expended on the canal, $450,000 and had excavated over 880,000 cubic yards of earth, rock, and oyster shells, for which they have received deeds to thousands of acres of land. (See inclosed report of Senate Committee, B.)

Much of this work was done on that part of the Indian River between Melbourne and Jupiter Light. The company now has two large dredges at work on this reach under contract with the Alabama Dredging and Jetty Company.

In December, 1889, I steamed over the canal route between Melbourne and Jupiter Light, 103 miles, in a boat of 13 feet beam, drawing 3½ feet of water, without touching the bottom anywhere. The largest steamer then navigating this reach of the river was about 25 feet in beam, and drew about 3 feet loaded.

As far as can be ascertained in this office, the only action taken by the United States, relating to that part of the Indian River, between Melbourne and Jupiter Light has been in act of July 5, 1884, to direct an examination, with a view of forming a canal and inland water-way from St. John's River to Lake Worth, and in Act of August 5, 1886, directing an examination of Indian River from Haulover to Gilbert's Bar. In the first case the officer in charge reported in favor of the work. In the second case it was reported that no work was needed at the time.

Congress has never made any appropriation for work along this reach of the Indian River, with the sole exception of that for establishing lighted beacons in 1889.

It has been impossible as yet to obtain any information as to the needs of navigation or the amount of commerce on this reach of the river.

The surrounding country is fairly well settled, and this, with the total absence of all railroads, renders water communication absolutely essential to the inhabitants.

From personal observation, I should deem the proposed channel width (50 feet) and depth (5 feet) of the Florida Coast Line Canal and Transportation Company, if completed, ample for the present needs of commerce.

By direction of Captain W. M. Black, and in his absence.

Very respectfully, your obedient servant,

D. D. GAILLARD,
First Lieutenant of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 164.

LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE

To a resolution of the 2d instant, with reference to the practice of the United States Courts at Fort Smith, Ark., and Paris, Tex., in the appointment of commissioners for the investigation of offenses committed in the Indian Territory.

JUNE 23, 1890.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 21, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution of June 2, wherein—

The Attorney-General is directed to give to the Senate any information in his possession with reference to the practice of the United States courts at Fort Smith, Ark., and at Paris, Tex., in the appointment of commissioners for the investigation of offenses committed in the Indian Territory, and especially as to whether any such commissioners are resident in the Indian Territory, or whether all persons arrested on process of said courts are required to be taken to Fort Smith, Ark., or Paris, Tex., for preliminary examination, and what, if any, reason exists why commissioners local to the Territory might not be appointed to hear such examinations.

Second. What, if any, reason exists why the court for the Indian Territory should not have jurisdiction of petit larcenies and other minor offenses, including felonies of minor grades.

Answering this resolution, I beg to say that at the time it was received I had no definite information with reference to the practices of the two courts named in reference to the appointment of commissioners. I immediately sent letters to the district attorneys which have brought communications of which the inclosed are copies:

First, a letter of the district attorney for the eastern district of Texas, from which it appears that the circuit court sitting at that point has appointed commissioners located at various points in the Indian Territory.

Second, a letter from Judge Parker, of the western district of Arkansas, from which it appears that the circuit court sitting at that point has no commissioners resident in the Indian Territory, and the letter gives at length the reasons why there are no such commissioners.

Third, a letter from the district attorney for the western district of Arkansas upon the same line as the letter of Judge Parker.

There is much to be said on each side of this question. Undoubtedly the appointment of numerous commissioners usually results in a large number of frivolous and baseless prosecutions, and thereby a great expense is incurred and great wrongs perpetrated upon the people. On

the other hand, it is a great hardship that a man suspected of a crime shall be taken from his home to a point three or four hundred miles distant before he can have a preliminary examination or be admitted to bail. The only remedy, in my judgment, is to bring the courts having jurisdiction of all kinds of offenses in the Indian Territory closer to the people.

Answering the second inquiry on this line, I have no doubt that it would be greatly to the public advantage, as well as for the convenience of the people, that the court in the Indian Territory should have jurisdiction not only of misdemeanors, but all minor felonies.

Very respectfully yours,

W. H. H. MILLER,
Attorney-General.

The PRESIDENT OF THE SENATE.

PARIS, TEX., *June* 9, 1890.

The ATTORNEY-GENERAL,
Washington, D. C.:

I am in receipt of your letter (A. G. 6551), with copy of Senate resolutions of June 2, and, in answer thereto, beg leave to submit the following:

Just as soon as practicable after the organization of the court at this place the court appointed commissioners resident at every point in the Territory, returnable here, that was of any size. They were and still are located at Purcell and Ardmore, in the Chickasaw Nation; Atoka, in the Choctaw Nation; Anadarko, in the Kiowa, Apache, and Camanche Reservation, and Beaver City, in the neutral strip. The map, together with a knowledge of the inhabited portions of the Territory, will show these to be the only points where the convenience of the public and economy of the Government could consistently be subserved by resident commissioners.

The records show the dates of the original appointment of the commissioners as follows:

J. W. Hooker, at Purcell, appointed May 28, 1889.
A. H. Law, at Ardmore, appointed May 28, 1889.
J. W. Hadden, at Anadarko, appointed June 12, 1889.
D. N. Robb, at Atoka, appointed June 18, 1889.
Merritt Magann, at Beaver City, July 30, 1889.

Mr. Magann subsequently resigned, and James Breckenridge was appointed to succeed him, and continued to act until the passage of the Oklahoma bill.

In addition to those named, W. B. Johnson is now a resident commissioner at Ardmore, and G. F. Gates at Purcell.

I will add, that while the bill establishing this court was passed March 1, 1889, the Indian country was wholly unknown to the judges, and it took some months for them to become advised of its needs. Comparatively few cases are brought to Paris for examination except from adjacent territory; or for some special reason rendering it advisable.

Your obedient servant,

JOSEPH H. WILSON,
United States Attorney, Eastern District of Texas.

FORT SMITH, ARK., *June* 13, 1890.

SIR: Hon. Wm. H. H. Clayton, United States district attorney, has handed me a letter of the 6th instant, in which you ask this question: "Is it true that the circuit court for the western district of Arkansas does not appoint commissioners resident in the Indian Territory, but does require that all persons shall be brought into Arkansas, and especially to Fort Smith, for examination?"

I have been judge of the United States district court of the western district of Arkansas for fifteen years last March, and in that time I have never had at any one time but four active United States commissioners with full powers in criminal cases in the whole district. There have been some more than this, but they have done no business.

I have none at this time in the Indian country with jurisdiction to hear cases at a *preliminary* examination over which the court at Fort Smith has jurisdiction.

In the whole fifteen years I have never appointed but two United States commissioners located in the Indian country to hear examinations in cases triable at Fort Smith. These two were appointed as an experiment. I regret to say, from the standpoint of a fair and proper enforcement of the law, the experiment was a failure.

I think I can say that I have had some experience in enforcing the criminal laws of the United States, and I can also assert that my observations for the time I have been judge of United States court for the western district of Arkansas have not failed to bring to my mind well-grounded conclusions upon the subject of United States commissioners, as well as on all other matters pertaining to the enforcement of the criminal laws of the United States.

From this experience, in my judgment, the great error of the age connected with the administration of justice in the trial courts of the United States is the appointment of too many commissioners. I know, as applied to my district, the error would be a radical one, and especially if the commissioners were located in the Indian country.

Each commissioner appointed is ambitious and desirous of doing some business. Prompted by this desire he lends a willing ear to frivolous complaints of violations of law, as well as complaints of frivolous violations of law, which might with entire safety to the rights of the people be passed by. All United States commissioners should act as far as possible under the eyes of the judge of the court and the district attorney. While within the purview of their jurisdiction commissioners are independent officers, yet they should be so situated as that the court can be able to exercise a general supervision over them and that the court and district attorney can be able to give them such advice pertaining to their duties as may be necessary to enable them to perform such duties in a fair, impartial, and economical way, as well as in a way that will not work injustice to any one, and so that no one will be unjustly harassed or annoyed by an arrest that should not be made. This condition can not be secured if commissioners are appointed who have their offices a long distance from where the court holds its sessions.

The condition of the Indian country is such that to secure an enforcement of the law United States officers, such as deputy marshals, must, in a vast majority of cases, be permitted to be complainants. If this is not permitted there can be no enforcement of the law in cases where the worst crimes have been committed, as the people in very many of such cases are so situated that they do not like to inform on those who may have committed crime, as it is not safe for them to do so. When United States deputy marshals are complainants it is necessary that there should be a close supervision over their complaints of crime before warrants are issued, as the natural tendency would be to make complaints that they may make business.

To properly guard and control their actions we for fifteen years have had a rule here requiring the district attorney to investigate all cases where complaints of crime are made, and to indorse his approval on the complaint before the warrant issues.

Then the chief marshal is required to hold up the warrant, not permitting his deputies to serve it, if he discovers any good reason why the same should not be served until the case can be further investigated. This action of the district attorney and marshal, in the interest of economy and justice, can not be had if commissioners are at a long distance from where the attorney and marshal reside, with full and unrestricted power to issue writs when they please, on the complaint of all kinds of persons and in regard to all kinds of cases. We have a rule here that requires one commissioner to issue all writs and to keep an accurate record of the same. He makes a portion of such writs returnable to the other commissioners. The object of this practice is to keep the issuance of writs well under control, so that they will not be improperly issued or issued in improper cases. The commissioner who issues the writs is the clerk of the court. He is a responsible officer of the court and is under the eye of the court, and is so situated that he can advise and consult with the court and district attorney at all times.

This system, which has worked so well in the interest of a fair, economical, and effective administration of justice for fifteen years, can not be applied if commissioners are scattered all over the district. When witnesses appear before commissioners they are entitled to their pay when they are discharged after having testified.

If the commissioner is at a long distance from where the marshal has his office and is to be found, there is no one to pay the witnesses, and consequently they go without their pay or have to travel to the office of the chief marshal to get it, or to be satisfied with holding their vouchers and getting what they can on them.

Every case should have as full an investigation as possible before a writ is issued. It has it in my district, and has had it in all cases except when there were commissioners in the Indian country.

When they issued writs they were issued without due investigation of the case, and in a great majority of cases they were issued when they ought not to have been.

The result of the care exercised before writs are issued here is a larger per cent. of convictions in this court than almost any court in the country.

This results from the care exercised to prevent improper arrests, which could not be exercised if the commissioners were not within reach of the district attorney.

I am aware that it involves some expense for witnesses to come a considerable distance, but it does not involve as much expense to the Government as it would if commissioners were scattered over the Indian country, and there could be no direct supervision over them.

I am also aware that it is somewhat inconvenient for persons to come to Fort Smith as witnesses. But it is always a matter of annoyance to witnesses to have to attend a court anywhere.

Witnesses generally live in the vicinity of where the crime is committed, and it is always a matter of some inconvenience for them to leave their homes and go to court. The only way to prevent this inconvenience to witnesses is to have the examining court or trial court go to the homes of the witnesses and have the trial there. Of course this would be an absurd impossibility.

If commissioners are scattered over the Indian country the annoyance to the people will be much greater than it is by their having to come to Fort Smith, as they will suffer increased annoyance because of frivolous, unnecessary, and improper prosecutions.

I have at different times had two United States commissioners in the Indian country for a comparatively short time. I have no hesitation in saying that very many frivolous cases found their way to the grand-jury room from these commissioners. Indictments were found in not exceeding 25 per cent. of them.

To scatter United States commissioners over the Indian country without its being possible from their situation to exercise a supervisory control over them, you have a condition of things which will breed scandals connected with the administration of justice, as was the case years ago, before I came to the district, when there were commissioners in the Indian country. At that time all kinds of improper and unnecessary prosecutions were inaugurated and a huge scandal was brought into existence that attracted the attention of Congress. I was warned against such a policy by the then Attorney-General, and my observation has fully satisfied me of the justice and wisdom of his advice.

There has been a constant demand for the fifteen years I have been judge for the appointment of commissioners in the Indian country. But these requests always come from parties who have been prompted by some personal interest. It has not come from the people generally but wholly from parties who were looking to their own personal interests, and who were careless or reckless of the public welfare. It will be understood there is a rivalry in business between lawyers who may reside at Fort Smith and Paris and lawyers who live in the Indian country.

This feeling of rivalry prompts the lawyers in the Indian country to have a desire for commissioners' courts, that they may have a chance at the cases before they reach their brethren in Fort Smith, or Paris, Tex. This feeling has much to do with the clamor for commissioners in the Indian country.

Then other parties want to be commissioners. Then localities want a commissioner, as it gives these localities some prestige and some importance. All these parties have the same end in view. It is one that is purely selfish and not in the interest of the public, or favorable to the full, fair, economical, and impartial administration of justice.

These persons in the Indian country who desire local commissioners have no desire for the enforcement of the law, except as they may be benefited directly by its enforcement.

There are now a sufficient number of commissioners in the district to do all the business that ought to be done. I must entertain the opinion that these commissioners should be located at such places as the court, in the exercise of its sound discretion, believes the most condusive to economy, and at the same time will secure a full, fair, and impartial administration of justice, as connected with the enforcement of the law. I believe the system prevailing in the western district of Arkansas, with the guards thrown around it, secures this result as fully and completely as it is secured in any district in the Union.

I am, truly, your most obedient servant,

I. C. PARKER.

Hon. WM. H. H. MILLER,
Attorney-General.

FORT SMITH, ARK., *June* 14, 1890.

SIR: Replying to your letter of the 6th instant, inclosing inquiry from the United States relative to commissioners of the district, and directing me to report on same to you, I have the honor to state:

That at present there are three United States Commissioners who do all the business coming from that part of this district lying in the Indian country. Two of them are located at Fort Smith, Ark., and the other one at Fayetteville, Ark. The bulk of the business is done by the commissioner there.

Fifteen years ago, when Judge Parker was appointed the judge and I the district attorney of this district, we found the district in a deplorable condition. At that time there were commissioners not only here but also in the Indian country. Hundreds of frivolous cases were sent here, to be ignored by the grand jury, witness certificates were being hawked around to be sold for what speculators might see fit to pay for them, and the expense of the court had run up to an enormous amount.

We undertook to correct these evils, and soon found that, under the condition that surrounded us, that it was an absolute necessity that all the business should be transacted as nearly as possible under our personal supervision. For this reason a rule was made that no warrants should be issued upon any complaint until I, as district attorney, had investigated the case and directed the issuance of the writ. This had the effect to cut off many arrests of innocent persons and for persons guilty of technical violations of the law, but even then it was found that the commissioners in the Indian country would send many cases here that ought to have been dismissed before them, and would dismiss cases in which the parties ought to have been bound over. These courts would become the center of a host of pettifogging lawyers, and no matter how good the men might be who were sent there as commissioners they would soon become a scandal to the administration of justice.

You understand it was impossible for either the district attorney or his assistant to attend these courts because our time was constantly occupied here, and because there was not, until within the past year, any railroad communication between Fort Smith and that country. When cases were brought before other commissioners after the case would be closed, the witnesses would receive witness certificates, which they would have to bring or send here to be cashed; hence a system of speculation in these certificates sprang up, which had the effect of taking from the witnesses about one-half of the money which the law allowed them. These commissioners were not lawyers.

It would be impossible to get a lawyer of any respectability to take a position of that kind and go to that country, because of this fact, and because of the fact above stated, that these courts were surrounded by the worst characters of pettifoggers, and also the worst class of people, surrounding it with an influence and a sentiment of the worst kind. A long distance from, and without any personal supervision or advice of, any of the officers of the courts, they in every instance, in spite of all we could do, proved a failure and created scandal.

The good people of the country were dissatisfied and complained of them. The court finding that the appointment of commissioners in the Indian country was a failure, adopted the present system of requiring all cases to be brought here for preliminary trial, then there have been no scandals.

The expense is infinitely less, justice is administered, the guilty are punished, the innocent are protected, and the people are satisfied.

After this system went into effect the officers of the court received many expressions of satisfaction and commendation from the best people of that country. We have here the very best men for our commissioners, and they are constantly under our eyes to be advised by us and directed by the court.

One of your special agents, Mr. Hazen, was here not long since and remained some time with us. His observations of the workings of the court and of the commissioners here, I think, led him to favorable conclusions in relation to this matter. I respectfully refer you to him for his views.

I inclose a letter from Judge Parker relating to this matter. He is strongly of the opinion that the present system of appointing commissioners is the best, and, as you know, his experience is great and his judgment correct.

Very respectfully,

WM. H. H. CLAYTON,
United States Attorney, Western District of Arkansas.

The ATTORNEY-GENERAL,
Washington, D. C.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 165.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A communication from the Secretary of the Interior submitting an estimate of appropriation to re-imburse the Chickasaw Nation.

JUNE 23, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *June* 21, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of the Interior, of the 20th instant, submitting an estimate for an appropriation of $56,021.49 to re-imburse the general fund of the Chickasaw Nation as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1890.

SIR: On January 5, 1888, your predecessor, Secretary Fairchild, transmitted to the Speaker of the House of Representatives a copy of a communication from the Secretary of the Interior submitting an estimate for an appropriation of $240,164.58 to fulfill treaty stipulations with the Chickasaw Nation of Indians, under the fourth article of the treaty of 1852 (10 Stat., 974), being the amount found by the Court of Claims to be erroneously charged against the Chickasaw general fund and the Chickasaw incompetent fund by the United States.

Among the items so erroneously charged was the following:

Payment to assignees of William M. Gwin (charged prior to December 21, 1844), $56,021.49.

The act approved March 2, 1889, making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1890, contained the following (25 Stat., 983):

For re-imbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852 (less payment of $56,021.49 to assignee of W. M. Gwin), $84,862.68.

For re-imbursement of the Chickasaw incompetent fund for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $99,280.41.

The appropriation hereby made shall be a permanent and continuing appropriation, not subject to lapse or to be covered into the Treasury; and said sums shall be paid from time to time under requisitions signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts: *Provided*, That the question of the obligation of the Government, on account of the payment to the assignee of W. M. Gwin, be referred to the Secretary of the Interior for reconsideration.

The question referred for the reconsideration of the Secretary of the Interior under the above proviso is as to the obligation of the Government to account to the Chickasaws for the amount of $56,021.49 paid to the assignee of William M. Gwin, and which is part of the aggregate amount found by the Court of Claims to have been improperly charged against the trust fund of the Chickasaws.

The alleged claim of the Chickasaw Nation to this amount grows out of the obligation of the Government under the treaty of October 20, 1832, between the Chickasaw Nation and the United States (7 Stat., 381), by which the United States agree to sell the ceded lands of the Chickasaw Nation, and, after deducting from the proceeds of the sale certain charges and expenses therein provided for, the residue was to constitute a trust fund of the Chickasaw Nation, to remain subject to the control of the United States for a period of fifty years from the date of the treaty.

In 1834 another treaty was entered into, by which the proceeds of the sale of the lands of the Chickasaw orphans and incompetents were to be added to the trust fund. By said treaty it was also stipulated (7 Stat., 450)—

And that they may be advised of these matters it is stipulated that the Government of the United States, within six months after any public sale takes place, shall advise them of the receipts and expenditures and of balances in their favor; and also, at regular intervals of six months after the first report is made, will afford them information of the proceeds of all entries and sales.

The net proceeds arising from the sale of these lands were deposited in the United States Treasury, upon which interest, at the rate of 5 per cent. per annum, was paid by the Government, as stipulated by the treaties aforesaid, and it was subject to certain charges for specific expenses authorized thereby.

The Chickasaws complained from time to time that their account was not properly exhibited on the books of the Treasury, and that in the management and disbursement of their funds they had been subjected to losses and expenses that should have been properly borne by the Government.

In 1852 a new treaty was entered into between the Chickasaws and the United States, in which it was agreed that—

* * * There shall be, at as early a day as practicable, an account stated, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys which, from time to time, have been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the treaties of 1832 and 1834, and all the disbursements made therefrom. And said account, as stated, shall be submitted to the Chickasaws, who shall have the privilege, within a reasonable time, of filing exceptions thereto; and any exceptions so filed shall be referred to the Secretary of the Interior, who shall adjudicate the same according to the principles of law and equity, and his decision shall be final and conclusive on all concerned. (10 Stat., 974).

Notwithstanding the stipulation aforesaid, the Government failed to perform the duties imposed by said treaty stipulation, until 1868 when an account was stated, under the direction of the Secretary of the Interior, and submitted to said nation. The Chickasaws being dissatisfied with

said account, as stated, filed exceptions thereto with the Secretary of the Interior, but no action was taken thereon until 1883, when the Secretary of the Interior submitted said matter to the Court of Claims for a finding of facts and conclusions of law thereon, under the provisions of the act of Congress of March 3, 1883 (22 Stat., 485), entitled, "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

On May 23, 1887, the finding of facts and conclusions of law by the Court of Claims were filed in the Department, showing that the Chickasaw Indians had been subjected to erroneous charges on the books of the Treasury, as follows:

Chickasaw general fund:	
Payments for transportation and demurrage to S. Buckner (charged against the trust fund prior to December 31, 1840)	$58,299.00
Payments to conductors of emigration (charged prior to December 31, 1840)	26,563.68
Payment to assignees of William M. Gwinn (charged prior to December 21, 1844)	56,021.49
	140,884.17
Chickasaw incompetent fund:	
Payments from incompetent fund (charged prior to December 31, 1840)	99,280.41
	240,164.58

Thereupon the Secretary of the Interior on December 20, 1887, transmitted to the Secretary of the Treasury a communication from the Commissioner of Indian Affairs, with an estimate for an appropriation—$240,164.58—required to fulfill treaty stipulations with the Chickasaw Indians, under the fourth article of the treaty with said Indians of June 22, 1852, as shown by a certified copy of the finding and opinion of the United States Court of Claims, which were inclosed therewith, and Secretary Lamar stated in said letter of transmittal:

> The findings of fact and the opinion of the Court of Claims in the case have been adopted as the decision of the Department in the matter. (Ex. Doc. No. 42, H. R., Fiftieth Congress, first session, page 2.)

Said communication and estimate were thereupon submitted to Congress for its consideration by the Secretary of the Treasury, resulting in the action by Congress March 2, 1889, as hereinbefore mentioned.

Said item of $56,021.49 was paid to Messrs. Corcoran and Riggs, as assignee to William H. Gwinn, and represents a fee claimed by Gwinn for services rendered in having restored to the trust fund of the Chickasaws on the books of the Treasury the sum of $112,042.99, alleged by the Chickasaws to have been improperly charged against said trust fund. This sum was charged on the books of the Treasury in 1837 for pork and flour purchased at Cincinnati for use of the Chickasaws while emigrating from the State of Mississippi to the Indian Territory. Upon the arrival of the pork and flour at Fort Coffee the pork was found to be putrid and the flour moldy, and, being unfit for use, were not accepted, but were without delay returned to New Orleans into the possession of the United States.

On March 11, 1850, the Chickasaw trust fund was credited with the sum of $58,124.14, but on the day following said account was charged with the sum of $56,021.49, for payment to the assignee of William M. Gwin, as a fee for securing the restoration of the sum of $112,042.99 to the trust fund of the Chickasaws upon the books of the Treasury, and

on March 28, 1851, said account was credited with the sum of $53,918.85, being the balance of said sum of $112,142.99, with which the Chickasaws were entitled to be credited on account of the return of the flour and pork.

So it appears the Government, recognizing that said sum of $112,142.99 was improperly charged against the trust fund of the Chickasaws, restored it by the two credits of March 11, 1850, and March 28, 1851, aforesaid, and then charged said fund with the sum of $56,021.49 as a fee paid to the assignee of Gwin for securing the restoration of said sum to the trust fund.

It was claimed by Gwin that he had a contract signed by certain persons, who styled themselves commissioners for the Chickasaws, authorizing him to secure a credit on the books of the Treasury to the trust fund of the Chickasaws, the same alleged to have been improperly charged against said sum for the flour and pork purchased for them, and securing to him 50 per cent. of the claim recovered.

Without going into the question of the existence of said contract, or of the authority and power of the so-styled commissioners to make a valid contract binding upon the Chickasaws, or whether the Government had not allowed Gwin a greater compensation than the real value of his services upon a *quantum meruit*, it is sufficient to say that upon an investigation of this question by Congress a committee of the House of Representatives, to whom this question was referred, on September 4, 1850, presented a report thereto. in which, speaking of the payment of said sum, it was said:

It was so paid, against the earnest protest and remonstrance of the Indians, under a copy of a power of attorney without date, and which had been executed under circumstances which cast great doubt upon its validity, a power of attorney which had been rejected by the Indians as spurious, and the original of which had been lost. Your committee feel called upon to note the fact that, although there were subscribing witnesses to this power of attorney, their testimony seems not to have been taken as to the correctness of the copy on which the money was paid. The copy sworn to and prosecuted by the party in interest appears to have been the only evidence required by the Secretary of the Interior to justify the payment to Corcoran and Riggs.

Said report was also accompanied by the following resolution:

Resolved, That the sum of $56,021.49, paid to Messrs. Corcoran and Riggs, as assignees of William M. Gwin, was justly due to the Chickasaw Indians, and was improperly paid to Corcoran and Riggs.

When this question came before the House the resolution was amended by striking out all after the word "resolved," and inserting—

That, inasmuch as the resolutions proposed by the committee, raised on motion of Mr. Richardson, of Illinois, do not charge the Secretary of the Interior with any crime or misdemeanor, and do not propose any change of existing law, but, in effect, call upon the House to revise and reverse the decision of the proper officers of the Government, upon a legal question affecting private rights, the same be not concurred in.

While it is true that the House agreed to the amendment, it does not question the truth of the resolution that the said sum was improperly paid to the assignee of Gwin, but merely dismissed the question, upon the ground that the Secretary of the Interior was not charged with any crime or misdemeanor, and that the House was not called upon to revise and reverse the decision of the proper officer of the Government.

On January 3, 1849, Attorney-General Johnson, without assigning any reason therefor, submitted to the Secretary of the Interior the following opinion (5 Op., 226):

First. I am of the opinion that the account of the nation is to be considered now as having been properly opened and restated, and that the balance found due by the accounting officers of $112,842 is properly chargeable to the appropriation for the subsistence and removal of Indians.

Second. That the last contract of the Chickasaws with William M. Gwynn, assigned to Corcoran & Riggs, is valid, and that out of the fund payable to the Chickasaws under the first head whatever balance is due under that contract should be paid to Corcoran & Riggs.

In accordance with this opinion the Secretary of the Interior, on January 4, 1850, directed, "the account will be stated and the payment made in accordance with the Attorney-General's opinion within."

While it is true that the Attorney-General rendered an opinion, January 3, 1849, to the effect that the contract of the Chickasaws with Gwynn was valid, and that the amount due thereunder was properly payable out of the fund due to the Chickasaws, and the House of Representatives in 1850 refused to re-open the question, yet the United States afterward, on repeated complaints of the Chickasaws, by the treaty of 1852 solemnly declared that the accounts between the Government and Chickasaws should be stated by the Secretary of the Interior and submitted to the Chickasaws, who might file exceptions thereto, and that the Secretary *should adjudicate the same according to the principles of law and equity, whose decision thereon should be final on all concerned.* Acting under the authority given by this treaty, the Secretary of the Interior submitted said matters to the Court of Claims for consideration under the act of March 3, 1883.

The Court of Claims, after an investigation of the whole subject, held that the trust fund of the Chickasaws was improperly charged with this amount, for the reason that the Government, the trustee of these Indians, was negligent, and no excuse was shown for the bad quality of the food furnished, and that, not having voluntarily repaired the fault, it should be held to account for the damage suffered by its innocent *cestui que trust.*

Upon this point the court said:

We eliminate from the controversy questions as to the validity, between the Indians and Gwin, of the power of attorney, and as to the right of Gwin to assign any emolument coming to him under it, for Gwin did perform service; the result desired was attained; his assignees were in fact paid; and the Chickasaws' fund is diminished by the amount so paid.

The question presented, then, is that of a trustee bound to feed his *cestui que trust* out of the trust fund, who furnishes the latter spoiled food and thus forces the *cestui* to pay a large sum of money to obtain from the trustee the return of funds thus improvidently disbursed. Such a charge, it seems to us, should in all equity and justice be borne by the trustee. That the fee was too large, under the circumstances set forth in the findings of fact, if that be true, is not a defense, for the trustee paid it with open eye and full knowledge of the circumstances. The matter was fully discussed, and in two opinions did the Attorney-General approve the disbursement. If fair in amount as against the injured Chickasaws it was fair in amount as against the United States, through whose fault, error, or laches the injury occurred which caused the agent's employment and his compensation. The provisions furnished were damaged; the Chickasaws were charged with the cost; the United States did not voluntarily make good the loss; and the Indians were put to expense in enforcing their claim to re-imbursement. On the record as it stands, the trustee seems to have been negligent, for nothing is shown to excuse the bad quality of the food furnished, and being so negligent, and not having voluntarily repaired the fault, he should be held to account for the damage suffered by his innocent *cestui que trust.* We think courts of chancery in a controversy between individuals would reach a similar determination; but whether that be so or not, we, in the advisory capacity in which we act in this case, a case between a strong nation and a weak tribe, its wards, are of opinion that equity and justice require the United States to credit the Indians with this disbursement to Gwin of $56,021.49.

When this finding and opinion was certified to the Secretary of the Interior, the conclusions of said court were subsequently adopted by Secretary Lamar, in the following language:

The findings of fact and the opinion of the Court of Claims in the case have been adopted as the decision of the Department in the matter. (Ind. Div. Rec., vol. 53, p. 251.)

Upon a full consideration of this question, I conclude that the finding and opinion of the Court of Claims, having been adopted by the Secretary of the Interior as the decision of the Department, was an adjudication of the same by him "according to the principles of law and equity," and that by the terms of the fourth article of the treaty of 1852 his decision was "final and conclusive on all concerned," and that the sum omitted from the appropriation act of March 2, 1889, should be appropriated for the re-imbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, etc.

I have the honor, therefore, to forward the matter to you that it may again be presented to Congress, under the provisions of section two of the act of July 7, 1884 (23 Stats., 254), together with an estimate for the appropriation of the amount herein named ($56,021.49) to fulfill treaty stipulations with the Chickasaw Nation of Indians, under the fourth article of the treaty of June 22, 1852.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

CHICKASAW NATION.

For re-imbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $56,021.49, being amount paid to assignee of W. M. Gwin, and omitted from the appropriation act of March 2, 1889, for re-consideration by the Secretary of the Interior: *Provided*, That this shall be a permanent and continuous appropriation, not subject to lapse or to be covered into the Treasury; and said sum shall be paid from time to time, under requisition signed by the Chickasaw governor, national secretary, national treasury, and auditor of public accounts.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 166.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Letter from the Secretary of the Interior, submitting estimates for additional appropriations for Howard University.

JUNE 24, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
June 23, 1890.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Secretary of the Interior of the 23d instant, submitting estimates for additional appropriations for Howard University for the fiscal year ending June 30, 1891.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, June 23, 1890.

SIR: I have the honor to submit herewith supplemental estimates of appropriations for the service of Howard University, and ask the favorable consideration of Congress thereon.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

WASHINGTON, D. C., *June* 23, 1890.

DEAR SIR: The committee appointed by the trustees of Howard University to urge upon Congress appropriations to enable the University to carry on and enlarge its work respectfully submit the following estimate, with the request that if it meet your approval you will transmit the same to the Senate Appropriations Committee, to be embraced in the sundry civil appropriation bill.

The committee submit in explanation of the items of estimate—

(1) *Increase for salaries.*—After the resignation of the former president of the University, in June last, the trustees after long and diligent canvass were unable to obtain the services of a suitable person to fill the office for the salary before paid of $3,000, and have agreed to pay the new president, Rev. Dr. Rankin, $4,000. They have also increased the salaries of some of the instructors, all of whom are underpaid as compared with similar services elsewhere.

(2) *Library.*—The present library is small, and made up of a miscellaneous selection of books, mainly donated to the institution.

(3) *Chemical apparatus.*—Professor Warder, in charge of the department of chemistry, is one of the eminent chemists of the country. The facilities afforded him are wholly inadequate.

(4) *Improvement of grounds.*—The condition of the grounds is disreputable. A good deal of grading is needed and work in every part of the grounds.

(5) *Industrial department.*—For several years the University almost without funds has sought to give incidental instruction in several branches of mechanical industry. Colored apprentices and colored journeymen are excluded by all the trade-unions, rendering it impossible for a colored young man to obtain the education and training necessary to enable him to compete successfully with his white brother.

Plans and careful estimates have been prepared for the buildings required to make this one of the prominent features of the University work. If, in your judgment, the amount asked is too large, the committee request that an appropriation be made for erecting the main building, so that provision may be made at an early date for entering upon this important work.

Respectfully, yours,

J. H. SMITH.
W. A. BARTLETT.
RUSH R. SHIPPEN.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

Estimates for additional appropriations for Howard University.

1. Increase for salaries, from $18,500 to $20,000.	
2. For purchase of books for library	$2,000.00
3. For chemical apparatus	1,000.00
4. For improvement of grounds	2,000.00
5. Industrial department:	
For current expenses	1,500.00
For erection of buildings required for theoretical and practical instruction in the various branches of mechanical industry, viz:	
Front projection	6,120.00
Main building	51,000.00
Outer building	31,280.00
North wing	7,779.20
South wing	7,779.20
Total	103,958.40

Supplemental estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the Howard University.

Detailed objects of expenditure, and explanations.	Additional estimated amount which will be required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.
Salaries:		
For increase of salaries from $18,500 to $20,000	$1,500.00	$1,500.00
Library:		
For purchase of books for library	2,000.00	
For chemical apparatus	1,000.00	3,000.00
Current expenses:		
For current expenses		1,500.00
Buildings and grounds:		
For improvement of the grounds	2,000.00	
For buildings	103,958.40	105,958.40
Total		111,958.40

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 167.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

Claims presented on account of Indian depredations.

JUNE 24, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 21, 1890.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate dated 11th instant, in the following words:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate, at his earliest convenience, the amount of the claims heretofore presented to the Department on account of Indian depredations, whether such claims have been adjudicated or not.

In response thereto I transmit herewith copy of a communication of 19th instant from the Commissioner of Indian Affairs, which contains the information called for by the resolution.

I have the honor to be, very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 19, 1890.

SIR: I have the honor to acknowledge receipt of your reference of a copy of Senate resolution of June 11, 1890, which is in the following words, viz:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate, at his earliest convenience, the amount of the claims heretofore presented to the Department on account of Indian depredations, whether such claims have been adjudicated or not.

And, in compliance with your directions for report upon the same, I have to state that claims in favor of white men on account of depredations by Indians have been filed up to date aggregating $19,872,688.75. Claims have been filed by Indians under various treaty stipulations aggregating $1,414,441.89, as per Schedule B, Executive Document 125, Forty-ninth Congress, first session, pages 271 to 286.

There are also deposited in this office, though not entered on its books, 961 claims, involving a total of $1,269,812.60, on account of depredations by Creek Indians in Alabama and Georgia during the years 1835-'36-'37, which claims are supposed to be those presented to and examined by the commissioners appointed under an act of Congress approved March 3, 1837 (5 Stat. 162). The report of the commissioners is found in Executive Document 127, Twenty-fifth Congress, second session (vol. 206, Pub. Doc., page 439). They recommend a total allowance of $356,168.92, reducing some claims 33⅓ per cent. and others 50 per cent., while a number they disallow altogether.

In addition to the above, 79 claims amounting to $24,975.53, on account of depredations in Minnesota by Sioux Indians in 1862, were sent to this office by the Department of the Interior, September 17, 1888, "for file and preservation," (see Commissioner's Report for 1889, pages 44 and 45), but have not been entered upon the books of the office.

The claims in favor of Indians, the Creek claims and the Sioux claims above referred to, are not deemed to be within the scope of the acts of March 3, 1885 (23 Stat., 376), and May 15, 1886 (24 Stat., 44), hence were not included in the number and amount of claims mentioned in table 5, page 43, Commissioner's Report for 1889. The four classes of claims herein mentioned aggregrate $22,581,918.77.

Very respectfully,

R. V. BELT.
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 168.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A communication from the Secretary of War, submitting an estimate for an appropriation of $2,000 for a submarine cable between Forts Hamilton and Wadsworth, New York Harbor.

JUNE 27, 1890.—Referred to the Committee on Military Affairs and ordered to be printed.

TREASURY DEPARTMENT,
June 27, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War of the 26th instant, submitting an estimate for an appropriation of $2,000 for a submarine cable between Forts Hamilton and Wadsworth, New York Harbor.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

WAR DEPARTMENT,
Washington, June 26, 1890.

SIR: I have the honor to forward herewith, for transmission to Congress, estimate ($2,000) required for the construction of a submarine telegraph and telephone cable to connect the posts of Forts Hamilton and Wadsworth, New York Harbor.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the War Department.

Submarine cable between Forts Hamilton and Wadsworth, New York Harbor:

For a submarine telegraph cable and the necessary land connections between Forts Hamilton and Wadsworth, New York Harbor (submitted) $2,000.00

NOTE.—The Baltimore and Ohio Telegraph Company, for the privilege of landing the extremities of their cable on Government ground, have heretofore allowed the use of one of their wires for telegraphic and telephonic communication between the posts of Forts Hamilton and Wadsworth, New York Harbor. It is now proposed by the telegraph company to remove their cable, and as telegraphic communication between these posts is indispensable during the season for artillery practice, and the maintenance of communication for all other reasons so great, the above estimate for the construction of a Government cable is respectfully submitted.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 169.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN FURTHER RESPONSE

To resolution of December 21, 1889, relative to the withholding of patents for lands within the limits of the grant to the Union Pacific Railroad.

JUNE 28, 1890.—Laid upon the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 28, 1890.

SIR: There was received at this Department a resolution of the honorable Senate, dated December 21, as follows:

> That the Secretary of the Interior be directed to report the cause of withholding patents for lands within the limits of the grant to the Union Pacific Railway Company, which are free from all claims and were not reserved at the date of the definite location of the company's road.

This was duly acknowledged, and as the subject was under consideration it was expected to make a further reply as soon as conclusions were arrived at. The resolution was repeated March 10, 1890, and transmitted to the Department, and thereto also reply was made to the same effect as that to the first.

Further and full reply to these several resolutions is now submitted: and I have to state that the delay in making this final response has been caused by the consideration due to the very important questions connected with the right of the Union Pacific Railway to the lands claimed by it under its grant. The perception of these difficulties is not of recent origin. During the last administration, lists involving thousands of acres of these lands were applied for by the railroad company, were duly considered and signed by the proper clerks in the Land Office, approved by the Commissioner, and ordered to patent by the Secretary. Indeed, a patent for part of these lands was duly executed April 25, 1887, by President Cleveland, for 381,899.14 acres, but was suspended before it was recorded. In cases where the patents were not executed, the lists were suspended and have so remained to the time of the present decision.

It thus appears that not only was it deemed by the previous administration that the Union Pacific Railroad Company had earned its title to its lands in Kansas and Nebraska, but the right thereto had been acknowledged by the Commissioner of the General Land Office and the Secretary. This action was acquiesced in also by the then President, Mr. Cleveland. But at this juncture a letter was received at the Department from the Pacific Railway Commission, organized under the act of March 3, 1887, making inquiries as to the issue of these patents,

pending the then announced indebtedness of the railroads to the United States, and the President, Mr. Cleveland, in transmitting the report of the Commission, and referring to the suspension of patents for the company's land grants, said, "the executive power must be exercised according to existing laws, and executive discretion is probably not broad enough to reach such difficulties." Yet the Fiftieth Congress, to which this language was addressed, adjourned without enacting any further legislation on the matter.

The subject has now received, as it is thought, sufficient consideration, and the conclusion has been reached that the indebtedness of the railroad company to the United States does not authorize this Department to withhold lands granted to the company and for which lists have been filed. It is a subject for legislative control, if it can be controlled at all. A large portion of the lands now unpatented lie in the States of Kansas and Nebraska, and have already passed into the hands of innocent purchasers from the railroad company. These lands are being cultivated by the citizens of those States for farms, and on them the homes of the people have been established. There has never been an act introduced whereby such lands, under any circumstances, would be seized for the United States from the possession of the present occupants; to deprive whom of these possessions, under any decision that might be rendered as to the railroad, would be an act of the greatest injustice. Delay in giving these settlers full title to lands they have fully paid for and improved can not be justified.

This railroad was built on time and has complied, so far as is known, with all of the conditions of the land grant. No mineral claims exist thereon, and therefore there is no need to exercise that greater strictness that must be applied in mineral districts. That the actual titles to the lands passed to this railroad company by force of and under the statute itself, just so soon as its conditions were complied with, has repeatedly been decided by the Supreme Court, and the executive action of the Secretary in approving lists or issuing patents is the exercise of a plain duty under the law. He was not consulted as to its enactment, and he should not be expected to nullify its operations. No reason is deemed to exist, therefore, why the Secretary should not proceed now to deliver to the Union Pacific Railroad Company the lands which have been earned, and it is his intention to certify these lists, commencing at the eastern portion of the unpatented lands in Kansas and Nebraska, where the lands are agricultural, have been sold, and are in the use of actual settlers. If there is any objection existing on the part of Congress this action may be prevented by any resolution or act that may be controlling in its effect. The patent that has been executed already by the previous Executive will be recorded. Patents will be issued on the lists approved by the previous Secretary, and lists not yet approved will be examined in due order.

This conclusion, I will add, is in accordance with the recommendation of the Commissioner of the General Land Office and also with the opinion of the Assistant Attorney-General assigned to this Department.

Most respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 170.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Correspondence and reports relative to the adjustment of claims under Mexican grants to lands in Arizona and New Mexico.

JULY 2, 1890.—Read, referred to the Committee on Private Land Claims, and ordered to be printed.

To the Senate and House of Representatives:

In my annual message I called attention to the urgent need of legislation for the adjustment of the claims under Mexican grants to lands in Arizona and New Mexico.

I now submit a correspondence which has passed between the Department of State and the Mexican Government concerning the rights of certain Mexican citizens to have their claims to lands ceded to the United States by the treaty, adjusted and confirmed. I also submit a letter from the Secretary of the Interior, with accompanying papers, showing the number and extent of these claims, and their present condition.

The United States owes a duty to Mexico to confirm to her citizens those valid grants that were saved by the treaty, and the long delay which has attended the discharge of this duty has given just cause of complaint.

The entire community where these large claims exist, and indeed all of our people, are interested in an early and final settlement of them. No greater incubus can rest upon the energies of a people or the development of a new country than that resulting from unsettled land titles.

The necessity for legislation is so evident and so urgent that I venture to express the hope that relief will be given at the present session of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION,
July 1, 1890.

To the PRESIDENT:

I submit herewith a copy of correspondence which has been had during the past three years with the Minister of Mexico in Washington, and the Interior Department, regarding Mexican land-grants in territory afterward acquired by the United States; and I respectfully recommend that the same may be communicated to Congress, with a view to pro-

viding by law for an early investigation of this most important class of claims before the lapse of time shall incumber their settlement with additional embarrassments.

JAMES G. BLAINE.

DEPARTMENT OF STATE,
May 21, 1890.

Inclosures.

1. From the Minister of Mexico, November 25, 1887.
2. To the Minister of Mexico, December 17, 1887.
3. To the Minister of Mexico, April 16, 1888.
4. From the Minister of Mexico, April 16, 1888.
5. From the Minister of Mexico, July 3, 1888.
6. To the Interior Department, July 25, 1888.
7. To the Interior Department, July 26, 1888.
8. From the Minister of Mexico, November 21, 1889.
9. From the Interior Department, February 26, 1890.

LEGATION OF MEXICO,
Washington, November 25, 1887.

Mr. SECRETARY: I have the honor to inform you that I have received instructions from Mr. Mariscal, secretary of foreign relations of the United States of Mexico, dated City of Mexico, October 20, 1887, to transmit to you a petition of Mr. J. Escobar y Armendariz, a Mexican citizen, who is now consul of Mexico at El Paso, Tex., relative to a tract of land belonging to him, situated in Doña Ana County, New Mexico, with a view to making of you, in the name of the Mexican Government, the request contained in the aforesaid petition.

I inclose a copy of this document, and if you desire it I will send you a copy of the papers accompanying it, which were issued by the United States General Land Office and duly authenticated by the Commissioner of that office in October last.

Article VIII of the treaty signed at the City of Mexico, February 2, 1848, and article V of the treaty of December 30, 1853, stipulated that property of every kind in the territories acquired by the United States under the said treaties and then belonging to Mexicans not established there, should be inviolably respected.

Mr. Escobar's land is situated in the territory acquired in virtue of the treaty of December 30, 1853, its title had its origin in a grant made by the Spanish Government, about the year 1790, to Don Francisco Garcia, which grant was confirmed and recognized by the Mexican Government before the conclusion of the treaty of 1853, all the owners of and heirs to the aforesaid land having been Mexicans, as is the present owner, and having held since that time peaceful and uninterrupted possession thereof.

Inasmuch, however, as the Congress of the United States has not confirmed the title in question, the owner has hitherto been deprived of the guaranties granted to him by those articles, and of the full exercise of his rights of ownership.

It has been found on an examination of the statements made by Mr. Escobar in his petition, that his title was good and valid at the time when the territory in question was ceded to the United States, accord-

ing to the laws, usages, and customs of Mexico, and that the objection made by Mr. Julian, the surveyor-general, that it was not recorded in the archives of Mexico, is unfounded; that objection should not therefore prevent the confirmation of the title.

For these reasons I beg leave to suggest that you give your attention to this matter, with a view to co-operating in securing justice to a Mexican citizen in pursuance of the stipulations of treaties now in force between the two countries.

Accept, etc.,

M. ROMERO.

Hon. THOS. F. BAYARD.

[Inclosure.]

Petition of Mr. J. Escobar y Armendariz, dated October 20, 1887.

MR. SECRETARY OF FOREIGN AFFAIRS:

I, Jesus Escobar y Armendariz, a Mexican citizen, at present consul of Mexico in this place, before you, as is proper for me to do in accordance with the law, and with due respect, declare: That I am the legitimate owner of a tract of land situated in the right bank of the Rio Grande, in the county of Doña Ana, Territory of New Mexico, United States of America, and near to this place, known by the name of "Santa Teresa," the precise location of which is described in the documents attached to this petition.

The said tract of land was duly granted by the Spanish Government, about the year 1790, to Francisco Garcia, military commandant in Paso del Norte, which then belonged to what was known as the Province of New Biscarf, by means of documents in the legal form of that epoch, and the said Francisco Garcia entered upon and took possession of said tract in conformity with said grant, and he and his heirs and descendants continued in peaceable possession up to and long after the celebration of the treaty of the 30th of December, 1853, between the Governments of Mexico and the United States, by the terms of which treaty the territory in question, including the "Santa Teresa" grant, was transferred to the sovereignty of the United States.

In the year 1846, while the original documents of title were in the possession of José Maria Garcia, son of Francisco Garcia, the grantee, the town of Paso del Norte, in the State of Chihuahua, where the said José Maria Garcia resided, and where the registry of land titles was preserved, was occupied by the invading forces of the United States under command of Colonel Donophan, undisciplined forces, which occupied the very house of Sor. Garcia and destroyed among other papers of said gentleman, with which they kindled their fires, the original documents cited, which were in his possession, as also a part of the official archives of the town.

In order to perpetuate the evidence of title to said grant, José Maria Garcia on the the 7th day of January, 1853, made application to the proper judicial authorities at El Paso del Norte, in accordance with the laws and customs of the State of Chihuahua, and submitted proofs sufficient of the existence of said grant, of the destruction of the document of title, of the location and extent of the land, and the peaceable and uninterrupted possession by Francisco Garcia and all his heirs of the land since the end of the last century.

Upon a full examination of all the evidence, the said judicial authorities rendered a decree declaring the property to belong of right to José Maria Garcia and his co-heirs by virtue of the said grant to Francisco Garcia, their father; and on t he 16th of January, 1853, the said judicial authority, on the testimony of witnesses, some of them of high respectability and confidence, and in their presence, re-established the old boundaries and monuments and placed the said heirs in formal and legal possession of the tract of land.

The lineal descendants and heirs of Francisco Garcia were in peaceable possession of said "Santa Teresa" tract, as before stated, at the time of the celebration of the treaty of December 30, 1853, and continued in an undisputed possession of the same for many years after said treaty, until they, for a good and valuable consideration, and by proper and legal deed, sold and conveyed all their title and interest in said tract to your petitioner and his brother.

The said José Maria Garcia and his co-heirs, and the other descendants of the said Francisco Garcia, were and remained Mexican citizens, and the greater part of them had their residence in the town of Paso del Norte, in the State of Chihuahua, Mexico, at the date of the said treaty of December 30, 1853, and up to their death, or until

the transfer of their title and interest to me. It being proper also to note that I have been a resident of the town of Paso del Norte for many years, and have only been absent during the time I have held the office of consul of Mexico in this place.

By a law of the Congress of the United States, passed August 4, 1854, (see section 8, 10, Statutes of U. S., page 309,) it was made the duty of the surveyor-general of the Territory of New Mexico, to ascertain the origin, nature, character, and extent of all grants of lands in said territory under the laws, usages, and customs of Spain and Mexico; and it was further made his duty to report in all such grants as originated before the cession of said territory to the United States with his decision as to the validity of each claim under the laws, usages, and customs of the country before its cession to the United States, which report was to be laid before the Congress of the United States, with a view to confirm *bona fide* grants and give full effect to the treaties celebrated between Mexico and the United States.

In accordance with these provisions the surveyor-general of New Mexico, Mr. H. M. Atkinson, made an investigation of the said "Santa Teresa" grant, and to facilitate the investigation, I submitted to the surveyor-general authenticated documentary evidence of the existence of said grant by the Spanish Government to Francisco Garcia; of its recognition and registry by the authorities of Mexico; of the destruction of the title papers, and also of the registry records of Paso del Norte, by the troops of the United States; of the recognition and perpetuation of the title, and fixing possession by the Mexican authorities in January, 1853, and of the peaceable and undisputed possession of the heirs and assigns of Francisco Garcia. In addition to this documentary evidence, oral testimony was taken by said surveyor-general of other witnesses, proving the authenticity of the documentary evidence and confirming the same, and showing that Garcia's heirs had been in possession of the said land up to the time they had sold it, and that I had remained in possession up to the date of said investigation.

After said careful examination Surveyor General Atkinson decided on the 11th of December, 1878, that the validity of the said "Santa Teresa" grant was fully established, and thereupon approved the said claim to the heirs and legal representatives of Francisco Garcia, and their assigns, according to the boundaries as set forth in his decision. But while the said surveyor-general recognized the legality of the claim, through the want of attention of his subordinates to the said documentary evidence, a serious error was made in the survey of the said land, by which it was made to appear that the tract only contained about 9,000 acres, when in fact, as appears from the title submitted to the surveyor-general and approved by him, the said tract does contain about 17,000 acres, or the equivalent of four *sitios de granado mayor*.

In compliance with the same law of Congress (August, 1854) above cited, it appears that the decision of Surveyor-General Atkinson was transmitted to the Congress of the United States in the year 1880 by the Secretary of the Interior, together with certified copies of all the documentary and oral evidence which was before the surveyor-general, showing his investigation of the claim. But up to the present date the Congress of the United States has not only failed to confirm said grant, but has taken no action in respect to the same to carry out and give effect to the guaranties contained in article 8 of the treaty of February 2, 1848, and in article 5 of the treaty of December 30, 1853.

In the year 1886, after a new surveyor-general, Mr. George W. Julian, had been appointed for the Territory of New Mexico, a re-examination was made by him of the "Santa Teresa" grant, and without any notice to me or any opportunity afforded me to be heard in vindication of my claim, a new decision was made by Surveyor-General Julian, calling in question the validity of the claim, on the purely technical ground that article 6 of the treaty of 1853 required that all grants, in order to be recognized as valid by the United States, should have been "duly recorded in the archives of Mexico," and that no proof had been submitted to show that such a record had been made. It does not appear that this new decision was made in accordance with the requirements of any law of Congress of the United States.

To sustain my petition I have the honor to send with it for your examination a duly certified copy of the documentary evidence which was submitted to Surveyor-General Atkinson, as also a copy of the decisions of the two surveyors-general above referred to.

In respect to the adverse decisions of Surveyor-General Julian, I beg to call your attention to the fact that an examination of the documentary evidence will show that he is in error. Sufficient proof exists of the burning of the public archives of Paso del Norte where land titles were registered, as well as the destruction of the private archives of José Maria Garcia, where his title papers were kept, by the United States troops in 1846.

It can not with reason and justice be maintained that a Mexican citizen should be deprived of his property because of a failure to produce evidence to the American authorities, which has been destroyed by the agents of the United States. But the documents on file in the surveyor-general's office, of which certified copies are at-

tached to this petition, show that my claim to the "Santa Teresa" tract rests not so much upon the original Spanish grant (although that is shown to have been bona fide and complete) as upon the title, absolute, created by virtue of strict compliance with the requirements of the laws of Mexico in January, 1853. The proceedings then had resulted in a new recognition of the title on the part of the Government of Mexico through its courts. All the steps necessary to perpetuate the testimony of the old title and to perfect the new one under Mexican law had been concluded, a solemn decree of a court of competent jurisdiction had been rendered, confirming the title and placing the heirs in possession under the new title, and the proper and legal registry of the same had been made in the public archives of Paso del Norte, before the time fixed in article 6 of the treaty of December 30, 1853.

In the instructions given to the surveyor-general, dated August 21, 1854, to carry out the law of the 4th of the same month, above cited, the following principle was stated.

"It is obligatory on the Government of the United States to deal with the private land titles precisely as Mexico would have done had the sovereignty not changed."

There can be no question that I hold a valid and legitimate title under the Mexican laws, and hence it is the duty of the Government of the United States to confirm the same, and thus give full effect to the treaties.

In Article 8 of the treaty of 1848, embodied in the treaty of 1853, the Government of the United States gave a solemn guaranty that in the Territories acquired by said treaties "property of every kind, now belonging to Mexicans not established there, shall be inviolably respected." And in order to give full effect to this guaranty the law of 1854, above cited, was passed providing for a confirmation of the titles to such property by the Congress of the United States.

But notwithstanding my claim with all the documents has in conformity with said law been before Congress since the year 1880, no action has been taken by that body to give effect to the treaties, greatly to the injury of the legitimate owners of said property. This injury results from the fact that though there is no question as to my possession and no contending claimants, yet so long as Congress fails to carry out the treaties and delays to confirm my grant, my title is recognized by the public and by the laws of the country where the land is situated as imperfect, and I can neither make improvements upon the land nor am I able to sell the same at any price at all approximating its real value.

Thirty-four years have passed since the United States assumed the obligation to "inviolably respect" the property of Mexican citizens, and the Garcia heirs and your petitioner, the present owner of the land, have spent a lif-etime in the vain endeavor to secure a discharge of this obligation and a confirmation of our valid title.

In view, therefore, of the foregoing facts, I respectfully petition, Mr. Secretary, that, invoking the faith of treaties, you will cause a representation to be made to the Government of the United States to the following effect:

First. Stating that the documentary evidence on file in the surveyor general's office of the Territory of New Mexico shows that my title to the "Santa Teresa" tract was at the time of the cession of said Territory a good and valid title under the laws, usages, and customs of Mexico, and that it was and would have been respected and enforced by its authorities.

Second. Asking that the Congress of the United States shall, with as little delay as may be found consistent with the customary forms of legislation, confirm said title in order that I may be in full and unobstructed enjoyment of the guaranty contained in article eight of the treaty of 1848.

Third. Requesting that a resurvey of the said "Santa Teresa" tract may be made with the knowledge of the owner to determine whether or not an error was committed in the survey made under the direction of the surveyor-general, Atkinson, whereby I am threatened with the dispossession of a large portion of the lands which legitimately belong to me. By means of which I shall receive the justice for which I respectfully pray under the necessary legal forms.

El Paso, Texas, October 20, 1887.

I. ESCOBAR Y ARMENDARIZ.

A copy.
Mexico, October 29, 1887.

JOSE T. CUELLAR,
Chief Clerk.

Es traduccion, Washington, November 25 de 1887.

C. ROMERO,
Secretario.

DEPARTMENT OF STATE,
Washington, December 17, 1887.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo in the matter of the petition of Mr. J. Escobary Armendariz, a Mexican citizen, who desires the Government of the United States to recognize his title to certain lands in Doña Ana County, New Mexico, which has descended to him through a Spanish grant about the year 1790, and which are confirmed to him by the treaties of 1848 and 1853, between the United States and Mexico.

A copy of your note has been brought to the attention of the Secretary of the Interior for the consideration of this Department.

Accept, sir, etc.,

T. F. BAYARD.

Sen'r Don MATIAS ROMERO.

Mr. Bayard to Mr. Romero.

DEPARTMENT OF STATE,
Washington, April 16, 1888.

SIR: I have the honor, having regard to my note of December 17, 1887, to apprise you of the receipt of a letter from the Hon. William F. Vilas, Secretary of the Interior, dated the 11th instant, covering a report (a copy of which is inclosed) from the Acting Commissioner of the General Land Office, dated the 15th ultimo, relating to the private land claim in New Mexico of Mr. J. Escobar y Armendariz, known as the Santa Teresa grant.

From this report it will be seen that this grant was acted upon by the surveyor-general of New Mexico, under the provisions of the act of July 22, 1854 (10 Statutes, page 308), and that his recommendation in relation thereto was transmitted to Congress December 11, 1880, where the matter is yet pending, awaiting the action of that body. "While thus pending, it would be," says Mr. Vilas, "improper for this Department (Interior), if it had the power, to take action in relation to the same by ordering a survey as requested." He also remarks in regard to the report of Surveyor-General Julian, complained of, that it was a communication from an official of his Department in relation to the validity and extent of said grant, which it was entirely proper to transmit to Congress for its information.

Accept, etc.,

T. F. BAYARD.

[Inclosure].

Mr. Stockslager to Mr. Vilas.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 15, 1888.

SIR: I have the honor to acknowledge the receipt, by departmental reference, of letter from the Department of State, dated December 17, 1887, covering a copy of a note from the Mexican minister resident, and also the petition of a Mr. J. Escobar y Armendariz, a Mexican citizen, in relation to his title to a private land claim in New Mexico, known as the "Santa Teresa" grant.

These papers are also accompanied by the brief of Hon. J. W. Foster, of this city, bearing upon the title of said J. Escobar y Armendariz to said grant, and you direct *this office to* "report in duplicate and return papers."

The facts in the case are, generally, as set forth in the copy of petition referred to, as well as in the accompanying brief of Mr. Foster, and may be epitomized as follows (so far as they are authenticated by the transcript and the report of the surveyor-general of New Mexico, dated December 11, 1878), viz:

The grant is claimed to have been made to one Francisco Garcia, prior to the year 1790, by the Spanish authorities of what was then New Biscay, and now the State of Chihuahua.

The original muniments of title are alleged to have been lost or destroyed during the occupation of El Paso del Norte by the United States troops in 1846. The land claim is situate on the west bank of the Rio Grande del Norte, in the county of Doña Ana, New Mexico, and in that portion thereof embraced by the Gadsden purchase.

By the sixth article of the treaty with Mexico, dated December 30, 1853, and which included the Gadsden purchase, it was provided that—

"No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—25th of September—when the minister and subscriber to this treaty on the part of the United States proposed to the Government of Mexico to terminate the question of boundary will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico."

Nearly nine months prior to this limitation in the treaty the grant claimants made application to the judicial authorities at El Paso del Norte for perpetuation of title. The application and proof submitted seem to have been in accordance with the laws and customs of the State of Chihuahua, in whose jurisdiction the claim in question was situate.

In pursuance of this application and upon the evidence of several witnesses showing the previous existence of the grant to the tract claimed, the loss of the title papers during the American occupation of El Paso del Norte in 1846, and the occupancy of the land by the grantee and his heirs from time immemorial, the second civil justice of the cantonment of Bravos, Bentura Lopez, rendered a decree declaring the property to belong to José Maria Garcia and his co-heirs under and by virtue of the grant to Francisco Garcia, their father.

It also appears that this same jurisdiction, on the 16th of January, 1853, went in person upon the claim, and in the presence of witnesses as to the old boundaries and monuments proceeded to relocate the grant and place claimants in possession by certain legal formalities.

The transcript of these proceedings was presented to the surveyor-general as the basis of the claim. It was duly authenticated as required by the laws of the United States relative to documents offered in evidence in the United States courts from foreign countries; and other corroborative evidence of the genuineness of the grant being on file in his office, he proceeded to rule as follows:

"The evidence of occupation of the tract by Francisco Garcia, and after his death by his widow and heirs for a continuous period from prior to, or about, the year 1790 until recently, raises a strong presumption in favor of the validity of the grant independent of the documentary evidence referred to, and it is believed to be a good and valid grant. The claim is therefore approved to the heirs and legal representatives of Francisco Garcia and their assignees, according to the boundaries as herein set forth, and as described in the resurvey or act of possession of January 16, 1853, executed at El Paso del Norte by Bentura Lopez, second justice and of first instance of the cantonment of Bravos."

The papers, in duplicate, were forwarded to your Department for transmission to Congress on the 7th of December, 1880, and, as will appear from your records, were transmitted to Congress December 11, 1880, where the case is still pending, awaiting the action provided for in eighth section of the act of July 22, 1854, U. S. Statutes, v. 10, p. 309.

It appears from the records of this office that on the 3d of December, 1885, Hon. George W. Julian, then and at present United States surveyor-general of New Mexico, addressed a personal note to Hon. William A. J. Sparks, former Commissioner, desiring to know what policy he should pursue in respect to the examination of private land claims which had been reported by his predecessors. On the 11th of December, 1885, Mr. Sparks replied:

"In my annual report I have recommended that all claims heretofore transmitted to Congress *pro forma*, through this office, be remanded for re-examination. Should any cases reported upon by your predecessors be brought to your attention, in which it appears that an investigation is desirable in the public interest, I know of no objection to your making such investigation, but on the contrary, think it ought to be made for the information of this office and Congress.

"Any supplemental reports sent up by you will be transmitted to Congress for consideration."

Accordingly on the 16th of October, 1886, Surveyor-General Julian made a supplemental report on the grant under consideration, and after stating the facts substantially as already submitted, and quoting the sixth article of the Gadsden treaty of December 30, 1853, *supra*, reported as follows:

"According to this language, as I understand it, no grant of land comprised within the territory covered by this treaty can be recognized by the United States as valid, whether the date of the grant be prior or subsequent to the time specified, unless the grant shall have been duly recorded in the archives of Mexico. As there is no proof that this was done I can not recommend the approval of this claim by Congress, nor could I do so if the grant had been produced and shown to be genuine, because the record of it in the archives of Mexico is made an indespensable condition of title. Neither can I recommend the recognition of an equitable claim. In my opinion, it could not be founded on a grant which is made invalid by a treaty between the United States and Mexico. Congress is precluded by this treaty from respecting the grant of considering it obligatory, and the equity which the case would otherwise have presented is lost."

This report was forwarded to the Department, with the concurrence of Commissioner Sparks, for submission to Congress, on the 4th of May, 1887.

It appears that the petitioner is a claimant of the aforesaid grant by purchase from the legal representatives of the original grantee, and he prays you for a report to the following effect, in brief:

First. That the documentary evidence on file in the surveyor-general's office, and before Congress, shows a good and valid title under the laws, usages, and customs of Mexico, etc.

Second, That Congressional action be expedited looking to the final confirmation of the grant.

Third. That a resurvey of the grant be made, corrective of the survey thereof now before Congress.

As regards the first prayer, I deem it sufficient to say in addition to the foregoing statements that, in my judgment, no further expression of opinion on the part of the Executive is called for in advance of any indication by Congress of a desire therefor. As regards the second, that what it is proper for Congress to do, and when to do it, is a matter for itself to determine, and I see nothing remaining to be done by which the Department can expedite the action of Congress.

As to the third, it might be proper to state that the survey of the grant now before Congress is merely a preliminary one; and if Congress should confirm the grant by the boundaries set forth in the documentary evidence on file in the case, the survey must be made to conform thereto. In other words, the survey must correspond with the terms of the confirmatory act, whatever they may be, should Congress see proper to confirm the grant.

Moreover, there is no appropriation at this time for the survey of unconfirmed private land claims in New Mexico.

The papers referred are herewith returned.

Very respectfully, etc.,

S. M. STOCKSLAGER,
Acting Commissioner.

[Translation.]

MEXICAN LEGATION,
Washington, April 16, 1888.

Mr. SECRETARY: I have the honor to acknowledge the receipt of your note of to-day, in which, referring to your previous one of December 17, 1887, relative to the title of the Mexican citizen Don Jesus Escobar y Armendariz to the estate ("terreno)" of Santa Teresa, situated in the county of Doña Ana, Territory of New Mexico, you inclose to me copy of a report in regard to this case from the Acting Commissioner of Public Lands, addressed to the Secretary of the Interior, dated the 15th of March last, and you inform me that the Secretary of the Interior considers that it would be unbecoming for the Department under his charge, had it the power to do so, to order the solicited new boundary to be made while the matter is pending the action of the Congress of the United States.

I have the honor to say to you in reply that I send at once to the Government of Mexico your note and the document annexed to it, for its information and decision.

Be pleased to accept, Mr. Secretary, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. THOMAS FRANCIS BAYARD.

Mr. Romero to Mr. Bayard.

[Translation.]

LEGATION OF MEXICO,
Washington, July 3, 1888. (Received July 5.)

Mr. SECRETARY: Your note of the 16th of April last, as an inclosure to which you sent me a report of the Acting Commissioner of Public Lands, bearing date of the 15th of March previous, and having reference to the complaint of J. Escobar y Armendariz, a Mexican citizen, owner of the Santa Teresa tract, situated in Doña Ana County, in the Territory of New Mexico, was transmitted by me to the Mexican Government, and as I have now received instructions from Mr. Mariscal on this subject, I must once more invite your attention to it.

The petition of Mr. Escobar y Armendariz, which I transmitted with my note of November 25, 1887, raised three points:

(1) That the title to the Santa Teresa tract was valid according to Mexican law when the land was transferred, in virtue of the treaty of December 30, 1853, to the United States.

(2) It asked for a confirmation of said title by the Congress of the United States, and

(3) That a new survey of the land should be made, the owner being notified.

With regard to the first point, it appears from the petition of Mr. Escobar y Armendariz that Mr. H. M. Atkinson, surveyor-general of the Territory of New Mexico, expressed the opinion, in December, 1878, in view of the evidence submitted to him, that the validity of the concession of the Santa Teresa tract was fully shown, but that Mr. George W. Julian, the new surveyor-general, expressed a contrary opinion, based solely upon the fact that, according to article 6 of the treaty of December 30, 1853, between Mexico and the United States, it was necessary for the concession, in order to be valid, to have been recorded in the archives of Mexico, and that no evidence had been furnished that this requirement had been complied with.

The entire question in respect to this matter is, therefore, in the opinion of the surveyor-general, reduced to one fact, and that is: Was the concession of the land of which Mr. Escobar y Armendariz is the present possessor recorded among the archives of Mexico?

It seems that Surveyor Julian understands by archives of Mexico—those of the City of Mexico, and not those of the chief towns of the other territorial divisions of the country—which divisions were first made by the Spanish Government, and afterwards adopted by the Mexican Government—and I do not consider that interpretation of the treaty to be well founded.

It may very easily have happened that the authorities of the provinces into which the vice royalty of New Spain was divided were an-

thorized to make grants of land for the validity of which the approval of the viceroy was not necessary, in which case the proper evidence would be found only among the archives of the respective local authorities, and not among those ot the City of Mexico.

It appears evident to me that the object of the stipulation referred to was to prevent the approval of fraudulent grants forged by speculators with a view to acquiring lands that had never been granted to them by either the Spanish or the Mexican Government; as, however, it is well known in this case that the García family, to whom the grant was made, has been in legitimate possession of the land for about a century, that the grant was made according to the laws then in force, and that while official proof of these facts can not be presented, this is due to the circumstance that the archives of the State of Chihuahua were destroyed by the invading American army during the war of 1846 and 1847, it does not appear that Surveyor Julian's interpretation of the treaty can be sustained.

If there can be any doubt whether the title issued by the Spanish Government in favor of the García family was registered, there is no doubt, according to the statement made by Mr. Escobar in a communication addressed by him to the secretary of foreign relations of Mexico, on the 25th of May last, that that grant was confirmed by the Mexican authorities and duly recorded among the public archives of Chihuahua.

With respect to the second point of Mr. Escobar's petition, I think it proper for me to state, that if the Secretary of the Interior and the Commissioner of Public Lands do not think it incumbent upon them to lay before Congress the statements made by the interested party in behalf of his rights, the Mexican citizen whose interests are at stake in this case will be deprived even of the right of being heard in his own defense, inasmuch as he was not heard before the adverse report of Surveyor-General Julian was prepared, and as, being a foreigner, he can not lay a statement before the United States Congress otherwise than through his own Government. The way in which his statement is to be brought before the officer who is to decide this case is a secondary question, and if the Department of the Interior feels any hesitation about this, the Government of Mexico trusts that none will be felt by the Department of State.

With regard to the third point, the opinion of the Commissioner of Public Lands appears to me to be well founded, viz, that a resurvey of the land will depend upon the decision that may be adopted in respect to Mr. Escobar's claim by the law making power, and that the survey already made, which is considered incorrect by the interested party, is of a purely provisional character, which will not stand in the way of its subsequent rectification.

In view of the connection existing between the case of Mr. Escober and the stipulations now in force between Mexico and the United States with respect to land grants, and with the design of justifying the request made by Mexico of the United States that the rights of this Mexican be recognized, I think proper to set forth certain conisderations touching the question in general.

When the United States acquired a considerable portion of the territory of Mexico first by the treaty of February 2, 1848, and afterwards by that of December 30, 1853, both Governments agreed in their desire to proceed with equity (respecting the right which had been acquired to the territory, that was changing its nationality by its inhabitants, who were likewise made to change their nationality by the force of circumstances), that the grants of land made by the Spanish or the Mexican

Government prior to the dates of both treaties should be inviolably respected, and in article 8 of the first and in article 5 of the second their right of ownership to all that belonged to them was recognized, and the privilege was granted them of disposing thereof as they might think proper, without any obligation on their part to pay, on this account, any tax, impost, or charge of any kind whatever.

A number of forged land grants having been presented in virtue of the first treaty, the United States Government endeavored in the second to remedy that evil, by stipulating that no titles should be recognized save such as should have been recorded among the archives of Mexico. The object of this stipulation, however, was merely to put a stop to the abuses which have been committed in virtue of the first treaty by the presentation of fraudulent grants, and by no means to deprive legitimate land-owners of their rights in case of their inability to furnish evidence that their land had been granted to them, or that it had been recorded, when the archives had been destroyed by the invading army of the United States.

The United States Congress, desiring to act with justice in this matter, recognizing legitimately-acquired rights and putting a stop, at the same time, to the abuse of fraudulent grants, enacted the law of July 22, 1854, which provided for the appointment of surveyors-general for the territories ceded by Mexico. It was made the duty of these officers to examine the grants in question and to present their reports to Congress, in order that that body might decide concerning each case.

This measure, which, as I have already remarked, shows, in my opinion, the interest that was taken by the United States in this matter, has, in practice, been followed by a result very different from that which was expected, its result having been to prevent, or at least indefinitely to suspend, the confirmation of the titles legally acquired by the inhabitants of those regions.

You, Mr. Secretary, who have spent several years of your life as a prominent member of one of the legislative bodies of your country, taking an active and important part in its deliberations, well know what a mass of public business has to be examined and settled by both Houses of Congress; the amount of such business increases day by day, rendering it very difficult for the legislative branch of the Government to give any attention to matters of secondary importance, which affect the interest of private individuals only.

Moreover, the circumstance that these cases have to be decided by Congress renders it incumbent upon the interested parties to employ attorneys in this city to defend their rights, or at least to endeavor to secure a decision concerning their titles; this requires a considerable outlay, which in many cases would be greater than the value of the lands themselves.

The Committee on Lands of the House of Representatives, in its report No. 675, estimates the number of acres included in grants to private persons, now awaiting confirmation by Congress, at 10,000,000 in the Territory of New Mexico alone, at 3,000,000 in the State of Colorado, and at 500,000 in the Territory of Arizona, making 13,500,000 acres in all.

The Secretary of the Interior, in his report for 1880, stated that, in the course of thirty years, more than a thousand grants had been laid before the surveyors-general, but one hundred and fifty of which had been transmitted to Congress, and of these latter seventy-one had been decided by that body; that is to say, 7 per cent. of the grants submitted for examination.

At this rate, several centuries will have to pass before those which have hitherto been submitted can be decided. These are estimated as being but a small portion of those which really exist.

Thus it is that the Secretaries of the Interior, the Commissioners of Public Lands, and the United States surveyors-general in New Mexico have admitted in their annual reports to Congress the insufficiency of the act of July 22, 1854, to meet the object that was had in view, viz, to fulfill the obligations contracted by the United States towards Mexico, and to do justice to the inhabitants of those regions, whose rights of ownership, until they obtain the confirmation of their titles, are held in abeyance, which very naturally affects the progress of those regions, it being uncertain who is the owner of millions of acres situated there.

So serious is this evil that a number of bills have been introduced into the United States Congress for the repeal of the act of July 22, 1854, and providing for the establishment of special courts charged with the examination and decision, in each case, of the merits of the claim. This method was adopted in States whose situation was similar to that of the Territory of New Mexico, such as Louisiana, Florida, and California, and the result was very satisfactory.

Residents of the Territory of New Mexico of Mexican origin have frequently called at this legation, soliciting its good offices in endeavoring to induce the United States Government to confirm, in pursuance of existing treaties, the grants of land that had been made to them by the Spanish Government or by that of Mexico; as, however, they have furnished no evidence that they had retained their Mexican nationality, I have always told them that I did not consider myself authorized, without instructions from my Government to interfere in these matters, at least in private cases; but as Mr. Escobar is a Mexican citizen, and as my Government has instructed me to transmit his complaint to you, it has seemed proper to me to state the above facts, as a proof which is in my judgment conclusive of the evils of the present system, which directly affect the case in question. The principal ones of these are two in number, viz, the difficulties met with by the interested parties in obtaining a hearing before Congress in matters of a semi-judicial character, and the *quasi* impossibility of Congress attending to the matters and deciding them with the expedition which their nature requires.

Be pleased to accept, Mr. Secretary, etc.,

M. ROMERO.

DEPARTMENT OF STATE,
Washington, July 25, 1888.

SIR: I have the honor to recur to the subject of previous correspondence with your Department in relation to the private land claim in New Mexico of Mr. Jesus Escobar, of Armendariz, and in connection therewith to invite a conference of views on the general subject of the adjudication of claims of this nature.

Under date of 17th December last, I transmitted to you translation of a note from the Mexican minister at this capital, dated 25th November preceding, accompanied by the petition of Mr. Escobar setting forth his claim. You replied on the 11th of April last, communicating to me a copy of the report of the Commissioner of the General Land Office, dated March 15, 1888, in relation to the case in question.

I duly transmitted to the Mexican minister a copy of the report of Acting Commissioner Stockslager as above noted, saying at the same *time to* Señor Romero, that it would be seen from such report that the

grant in question (known as the Santa Teresa grant) was acted upon by the surveyor-general of New Mexico under the provisions of the act of July 22, 1854, and that the surveyor-general's recommendation in relation thereto was transmitted to Congress, December 11, 1880, where the matter is yet pending, awaiting the action of that body, adding your observation, that while thus pending, it would be improper for this (the Interior) Department if it had the power to take action in relation to the same by ordering a survey as requested.

I am now in receipt of a note from Minister Romero dated 3d instant, communicating certain observations in regard to the case in point, and incidentally in regard to the treatment of the class to which it belongs, which he had been directed by the foreign secretary of Mexico to make to me. I transmit a translation of Señor Romero's note herewith for your consideration.

Apart from the comments therein presented on the opinion of Surveyor-General Julian, and the arguments in favor of conclusions different from those reached by that officer, which are matters pertaining to your Department and not calling for comment on my part, I beg to call your attention to so much of Señor Romero's note as tends to show that the pending resort to Congressional action for the determination of Mr. Escobar's rights in the premises is illusory, in that the result of the act of July 22, 1854, which provided for the appointment of surveyors-general for the territories ceded by Mexico and made it the duty of those officers to examine the grants in question and report to Congress for its decision in each case, has been "to prevent or at least indefinitely to suspend the confirmation of the titles legally acquired by the inhabitants of those regions;" that in the course of thirty years, of more than a thousand grants laid before the surveyor-general, but one hundred and fifty had been transmitted to Congress, of which only seventy-one had been decided by that body or about 7 per centum of the number submitted; and that, as has been frequently admitted in the reports of your Department laid before Congress, the act of July 22, 1854, has proved insufficient to meet its object, which was, "to fulfill the obligations contracted by the United States towards Mexico, and to do justice to the inhabitants of those regions whose rights of ownership, until they obtain the confirmation of their titles, are held in abeyance, which very naturally affects the progress of those regions, it being uncertain who is the owner of millions of acres situated there."

While it may not be incumbent upon me to express an opinion as to the effect of this state of things, so forcibly presented by Señor Romero, upon the rights of citizens of the United States, who for the most part occupy or claim the lands in question, I may very properly state my conviction that in respect of Mexican citizens situated as Mr. Escobar is and bona fide claimants and those claiming under them, there has been such a retardation of justice as to render it a serious question whether the Government of the United States may not by further delay be exposed to reclamations from citizens of Mexico.

I therefore take this method of bringing the whole matter to your attention in confidence, in order to elicit your views as to the propriety of recommending to the President that he represent the situation to Congress in a special message, calling upon that body to establish a competent and effective court for the determination of these claims, which shall have jurisdiction of all of them, without reference to the nationality of these holders.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF STATE,
Washington, July 26, 1888.

SIR: Referring to my confidential communication to you of the 25th instant in regard to the private land claim in New Mexico of Mr. Escobar, I have the honor to say that the Department has observed the passage yesterday in the House of Representatives of a bill to quiet private land titles in New Mexico and Colorado. It is understood that the proposed measure, should it become a law, will have jurisdiction over such cases as that of Mr. Escobar.

I advert to this since it is supposed that the fact that this Department has knowledge of the measure referred to may affect the tenor of your reply to my confidential letter.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

The SECRETARY OF THE INTERIOR.

LEGATION OF MEXICO,
Washington, November 21, 1889.

Mr. SECRETARY: On the 3d of July, 1888, I sent a note to your predecessor in the Department of State relative to a complaint made by Don Jesus Escobar y Armendariz, a Mexican citizen, on account of the non-recognition of his title as the owner of a tract of land called Santa Teresa, situated in Doña Ana County, New Mexico, which non-recognition, in the opinion of the Government of Mexico, constitutes a failure to fulfill the stipulation of the treaties signed by Mexico and the United States February 2, 1848, and December 30, 1853, whereby this Government formally pledged itself to recognize the validity of the titles of ownership issued by that of Mexico for lands which, by virtue of those treaties, were transferred to the jurisdiction of the United States Government.

As I have not yet received the reply of your Department to my aforesaid note, Mr. Mariscal has instructed me to address you, begging you to have the kindness to reply to my note in such manner as you may think proper.

Be pleased to accept, etc.,

M. ROMERO.

Hon. JAMES G. BLAINE.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of 11, 1890, January relative to a complaint made through the Mexican minister "by Don Jesus Escobar y Armendariz, a Mexican subject, on account of the non-recognition of his title as the owner of a tract of land in New Mexico called Santa Teresa." With your letter are inclosed two copies of former letters from your Department to this, dated respectively July 25 and 26, 1888, and which letters had not heretofore been received here; and you deem it "highly important to receive the conclusions" of this Department "in reference to the suggestions of the letter of July 25, 1888."

The letter here mentioned, marked "confidential," is from your predecessor, and after referring to the history of the Santa Teresa grant, the report of the surveyor-general thereon, its reference to Congress under the provisions of the act of July 22, 1854 (10 Stat., 308), and the failure of that body to act upon that and other private claims under asserted Mexican titles, Mr. Bayard expresses an apprehension that "further delay in the premises may expose the United States to reclamations from citizens of Mexico." He therefore suggests, in confidence, a consideration of "the propriety of recommending to the President that he represent the situation to Congress in a special message, calling upon that body to establish a competent and effective court for the determination of these claims, which shall have reference to all of them without reference to the nationality of their holders."

In reply, I beg to state that for many years past this Department has, in each of the annual reports, urged the necessity of legislation in relation to these private grants, and especially the propriety of establishing a tribunal through whose adjudication a speedy and final determination of all questions in relation to the alleged grants might be arrived at.

My views on the same subject, concurring with those of my predecessors, were expressed in my annual report and will be found on pages 28 and 29 thereof, a copy of which is herewith sent you. It was there said that—

> Legislation upon the subject is absolutely necessary in order that the treaty obligations of the Government may be carried out and the public domain protected from inroads upon it that are constantly being attempted by the presentation of fraudulent claims.

Entertaining these views I concur in the suggestion made and will be pleased to co-operate with you in carrying out the same.

Most respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF STATE.

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1890.

To the PRESIDENT:

SIR: By the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848 (9 Stat., 932), and that known as the Gadsden Purchase, proclaimed June 30, 1854 (10 Stat., 1031), the United States acquired the territory included in the limits of the States of California, Nevada, and part of Colorado, the Territories of Arizona and Utah, and parts of New Mexico and Wyoming. By the eighth and ninth articles of the first treaty, it was stipulated that property within the ceded territory "shall be inviolably respected," whether belonging to those who may remain therein and become citizens of the United States, or to Mexicans not established in the ceded territory, or those who may remove therefrom. By article five of the second treaty, the above provisions were made applicable to the territory then ceded. Within the territory thus acquired by the United States were a large number of private land grants made or claimed to have been made under the former governments. In relation to those in the State of California provision was made for their settlement by the act of March 3, 1851 (9 Stat., 631), and supplements.

By act of July 22, 1854 (10 Stat., 308), the office of surveyor-general

of New Mexico was established, and by section eight thereof he was directed, under the instructions of the Secretary of the Interior—

To ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; . . . he shall make a full report on all such claims as originated before the cession of the territory to the United States . . . denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; . . . which report shall be laid before Congress for such action as may be deemed just and proper, with a view to confirm bona fide grants, and give full effect to the treaty of 1848 between the United States and Mexico; and, until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, etc.

By subsequent legislation the provisions of this section were extended to Colorado and Arizona.

This comprises the legislation of Congress on the subject of these grants in the described territory, other than some special acts not pertinent to the matter under consideration.

It will be observed that the act of 1854 fixes no time within which such claims must be presented to or acted upon by the surveyor-general, but it does provide that when claims are reported upon, "all lands covered thereby shall be reserved from sale or other disposal by the Government," "until the final action of Congress on such claims."

From time to time during the thirty-six years which have nearly elapsed since the passage of that act, quite a number of claims have been reported upon, the reports sent to Congress, and "the lands covered thereby" segregated from the public domain and placed in reservation.

The grants of Spain and Mexico were made years ago, when the country was sparsely settled and lands of little value; many of them were for a designated quantity, to be located anywhere within larger outboundaries—11 square leagues, or less, within boundaries embracing, perhaps, an area of 50 or 100 leagues; whilst other were for grants within fixed boundaries, with little idea of the distance from one boundary to another, and which subsequent surveys have sometimes found to be 50 miles or more apart.

Under what seemed to be a proper construction of the law and the decisions of the courts, the Department has uniformly held that all the lands within the claimed limits of these grants were to be reserved from settlement.

It has thus resulted that vast tracts of land, aggregating millions of acres, have been during these many years segregated from the public domain and held in reservation for these unconfirmed grants, of which the claimants have had the entire usufruct, to the exclusion of all others. Such a state of affairs can but be most injurious to the community in which it exists. The holding of lands in large bodies can not be regarded as promotive of the general prosperity. And when it is reflected that the tenure of these vast tracts is merely possessory, without power to make title in case of alienation, it can readily be seen how such a condition of the landed interests must act as a blight upon the community in which it exists.

In addition to the public injury thus caused, and the opportunity afforded for the assertion of exaggerated and fraudulent claims, most grievous wrong is inflicted upon the bona fide claimants, their heirs or assigns, who have thus far been deprived of the right and title to these lands, which, under the law of nations and our treaties with a sister Republic, were solemnly guaranteed. For it is a fact that though a large number of these claims have been sent to Congress, but few, com-

paratively, have been acted upon, and the last confirmation was had in 1879. It is believed that those reported constitute but a portion of those in existence.

The subject of these private land grants has been referred to and discussed by my predecessors in each annual report for years back, and it has been earnestly urged that needed legislation should be enacted. In my last annual report the subject is dwelt upon, and it is said, in conclusion—

> It is apparent that the interest of the people in great districts of our country demands action by Congress on the subject of their private land claims. The present condition works constant private injury, and is a national discredit.

It would therefore be a needless rehearsal for me, in this communication, to go over the subject at length, for I could only repeat what has been so often and so well said before during the many years the subject has been discussed.

I beg, however, to call your attention to the accompanying report of the Commissioner of the General Land Office, prepared at my instance, and which shows succinctly the present condition of affairs in respect to this subject, so far as this Department is informed. It thus appears that the Department has official knowledge of one hundred and twenty-seven of these unconfirmed claims, of which one hundred and eleven are in New Mexico, fifteen in Arizona, and one in Colorado; and that the area of land now held in reservation, because of said grants, aggregates 7,128,586.69 acres, all of which claims, except three, are now pending before Congress.

It seems to be the unanimous opinion of all who have considered the subject of these grants that the existing legislation and methods provided thereby are utterly inefficient to accomplish the purpose for which they were designed. Indeed, as early as May, 1858, the Committee on Private Land Claims in the House, to whom was referred several claims in New Mexico, reported (Report 457, first session, Thirty-fifth Congress) that the claims had received the most careful attention the committee could give them, but said:

> This examination has been confined entirely to what seemed to be the principal papers in each case, having no time to scrutinize the evidence and the application, as made by the surveyor-general of the Spanish and Mexican laws and usages to each of them in detail. Nor will it ever be in the power hereafter of any committee of this House to make such an examination as will be entirely satisfactory, should these claims be allowed to accumulate before Congress.

The committee reported favorably upon all the claims recommended by the surveyor-general, and say:

> But for the gross injustice to the people of New Mexico of delaying for an indefinite period action upon their claims, and the certainty that under existing arrangements Congress can never consider them under more favorable circumstances than at this time, your committee would not have been willing to report upon any of these individual claims, for the reason first stated—want of time to examine fully and the unknown quantity of land claimed by most of the parties.

Thus, in this instance, were fourteen claims recommended for confirmation, in relation to which the committee frankly stated they had not fully examined the cases and knew not the area claimed. And this is not an isolated instance, but similar expressions of opinion as to the imperfections of the present system, may be found in other and later proceedings in both Houses of Congress.

The present system being ineffective and inadequate in my opinion, the object of this communication is to respectfully suggest, if you approve, that you call the attention of Congress specially to the subject

and urge upon it the necessity of further legislation, so that these grants may be disposed of within a reasonable time.

In addition to the matters hereinbefore stated, I may add that correspondence has recently taken place between this and the State Department, in reference to the unconfirmed claims of citizens of the Mexican Republic, who, through the minister of that country, complained to the State Department that the treaty stipulations in relation to their property have not been carried out. As the power to confirm those grants is entirely with Congress, this Department is unable to afford any relief in that behalf, and the Secretary of State was so informed.

I do not deem it proper at this time to enter upon a full discussion of the merits of the different plans proposed, or to indicate with particularity which, in my judgment, would be most appropriate.

Opinions as to the plan to be adopted differ widely, as will be seen by reference to the report of my predecessors for the years 1885, 1886, 1887, and 1888, and a discussion herein of the different methods suggested would add unduly to the length of this communication. The system to be adopted and the particular character of the legislation to be enacted can only be determined by Congress. What is most needed is legislation that will put in motion machinery which, within a reasonable time, would settle finally public and private rights growing out of said claims. As to the general character of the needed legislation, it is said, in my report, page 28:

> In this legislation two prominent features should be observed: First, the importance of terminating this class of claims; and, second, of providing a board or commission for their adjudication such as shall insure a full and thorough investigation. These grants are based on very ancient transactions, and the interests of the Government as well as of bona fide claimants require that there shall be some conclusion to their litigation. It is becoming more difficult yearly for bona fide claimants to make such proof as should be required in support of their claims, and also more difficult for the Government to produce evidence showing the fraudulent nature of those which are baseless or exaggerated. Provision should be made to bring parties and witnesses before the tribunal intrusted with the decision of these important questions; for, in *ex parte* proceedings, manufactured or grossly exaggerated claims can be easily supported by perjured testimony.

Should you or Congress desire a more specific expression of opinion from me as to the best system to be adopted, I shall be prompt to respond to such a call.

Very respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 29, 1890.

SIR: I am in receipt of your letter of the 12th instant requesting me "to report the name, number, location, area, and status of all unconfirmed private land grants or claims pending before Congress or the land department, together with the amount of land held in reservation to await final action upon said claims," and any other information which may be pertinent to the consideration of the subject, and any suggestions in relation thereto which this office may have to make.

The unconfirmed claims referred to are of the number arising under the provisions of, and for lands within the territory acquired by, the treaty with Mexico, concluded at Guadalupe Hidalgo February 2, 1848

(Stat. 9, 922 to 943), and the Gadsden purchase of December 30, 1853 (10 Stat. 1031–1037).

Pursuant to your request I have the honor to transmit herewith a schedule, in duplicate, containing the required data. It appears that there are one hundred and twenty-seven of the inchoate claims in question; of which number one hundred and eleven are in the Territory of New Mexico; fifteen in Arizona Territory, and one in the State of Colorado, with an aggregate area of 7,128,586.69 acres.

Where there are subsisting preliminary surveys, made for the purpose of effectively reserving the lands claimed, exact areas have been given; and where such surveys have not been made by the United States, areas have been estimated as closely as possible.

It is proper to state that there is no appropriation available, at this time, for the surveying of unconfirmed private land claims, and further reservations can only be made through the medium of official orders withdrawing from settlement and appropriation, until further directed, the lands which appear to be involved in the claims as presented.

All of said unconfirmed claims are pending before Congress for final action upon title, as provided by existing laws, with the exception of three—as shown by the accompanying tabulation—which have not been examined in this office, prior to their transmittal to you for submission to Congress.

The aforesaid claims have been presented by petition to the proper surveyors-general, examined and reported, under departmental instructions in the premises, based upon the provisions of the eighth section of the act approved July 22, 1854 (10 Stat. 308), and supplemental legislation providing for the examination of similar claims falling within the limits of Colorado and Arizona, namely, the act approved February 28, 1861, 17th section (12 Stat. 172), and the act of July 15, 1870, making appropriations for sundry civil expenses of the Government (16 Stat., paragraph on page 304).

An alleged private claim in Arizona, known as the "Peralta Grant," calling for some 4,000,000 acres of land, has not been incorporated in this report for the reason that it is not a claim pending in Congress or before this office; and the surveyor-general was instructed by me on the 20th of February last to strike the case from his docket as a fraudulent claim.

The attention of the Department has frequently been called by my predecessors in office to the necessity for such additional legislation as will effect a final settlement of this class of claims.

Attention is called particularly to the statements and recommendations of Commissioner McFarland in his annual report for the year 1881, pages 10–13.

Quoting from said report, it is stated that—

> While these private land claims remain in their present unsettled condition, it will continue to retard emigration to and settlement in said Territories; for, until the titles thereto are ascertained, and the land segregated from the public domain, it will be impossible to determine which is public land subject to appropriation and settlement under the public land laws and which is not; therefore, settlement made with a purpose of acquiring title under the public land system is necessarily at the risk of finding in the future the land settled upon included within the limits of a private land claim, and the improvements lost to the party who made them. There have already occurred many cases of severe hardship in this respect.

In his report for the year 1882 (p. 51), the Commissioner calls attention to the fact "that no limit is placed by law upon the time within which claimants under foreign grants in New Mexico and Arizona must present their claims;" and the result is stated to be "that claims which

may be only *simulated* perate to prevent surveys and settlement of tracts which are really public lands of the United States." It is suggested that if no other than the "present system for ascertaining the validity of foreign claims within the Territories mentioned is likely soon to be adopted, a law requiring all such claims to be presented for adjudication within a reasonable time or thereafter held to be invalid, would be a just provision and one of great public utility."

I concur in these views. An examination of the official records shows that the last confirmation of a claim of this class was had in the year 1879; and it does not appear that a single claim has been absolutely set aside by Congress, although many have been reported as unworthy of recognition.

There are, doubtless, valid claims pending before Congress, which ought to be confirmed to those persons legally entitled thereto, and there are others already reported as invalid which should be definitely rejected, and the lands claimed, now held in reservation, be restored to the mass of the public domain.

In other words, parties having rights of property to be recognized under the provisions of the aforesaid treaties, should be secured in them, and their lands duly defined by survey and carried into patent; but, on the contrary, unmeritorious and fraudulent claims (the usufruct of which many parties are enjoying under existing laws, regulations, and decisions) should promptly be rejected, either by the national legislature or through some other system of adjustment devised for the speedy examination and settlement of said claims.

I am, sir, very respectfully, your obedient servant,

LEWIS A. GROFF,
Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

List of reports on private land claims in New Mexico, Arizona, and Colorado pending before Congress and in the General Land Office April 21, 1890.

No. or letter.	Name of claim.	When sent to the Department for submission to Congress.	Area held in reservation.
	NEW MEXICO.		*Acres.*
S.	Pueblo of Laguna	Jan. 22, 1873	125,225.18
T.	Pueblo of Zia Santa Aña and Jemez	Mar. 9, 1874	382,849.00
V.	Pueblo of Zuni	Dec. 7, 1880	17,581.25
45	José Sutton	May 6, 1862	69,445.55
49	B. M. Montaya	Feb. 6, 1871	151,056.97
50	Cañada de los Apaches	Mar. 29, 1872	88,079.78
51	Nerio A. Montoya grant	do	3,546.06
52	Roque Lovato grant	do	1,619.86
53	Cañada de los Alamos	do	13,706.02
54	Cuyamungue	do	[1]4,000.00
55	Eucinas	do	6,583.29
56	Gotera	do	598.44
57	J. F. B. Tenus grant	do	1,589.87
58	Rio Grande rancho	do	109,043.80
59	Serillos	do	2,287.41
60	Town of Galisteo	do	[1]9,000.00
61	Cebollo	May 9, 1872	17,159.57
62	Town of Cienequilla	Dec. 18, 1872	43,961.54
63	Caja del Rio	Jan. 22, 1873	62,343.01
65	Cajon del Rio de Tesuque	do	11,619.56
66	San Joaquin del Nacimiento	do	131,725.87
67	San Clemente tract	do	89,403.40
68	Grant to Luis de Armenta	Feb. 5, 1873	444.24

[1]Area estimated.

List of reports on private land claims in New Mexico, etc.—Continued.

No. or letter.	Name of claim.	When sent to the Department for submission to Congress.	Area held in reservation.
	NEW MEXICO—continued.		*Acres.*
69	Alamitos	Feb. 5, 1873	436.41
70	Estancia	Feb. 6, 1873	415,036.56
71	Cañon de Chama	Feb. 12, 1873	472,736.95
72	Ojo del Apache tract[1]	....do	
73	Piedra Lumbre	Feb. 26, 1873	48,336.12
74	Grant to B. Marquez and F. Padilla	Nov. 12, 1873	637.23
75	Sierra Mosca	... do	33,250.39
76	Town of San Antonia del Rio Colorado	Nov. 11, 1878	18,955.22
77	Town of Ojo Caliente	Feb. 3, 1874	38,590.20
78	San Miguel Spring tract	Mar. 9, 1874	25,176.39
79	Arroyo de San Lorenzo	Feb. 2, 1874	130,138.98
80	Juan de Mestas grant	Apr. 4, 1874	1,686.47
81	Cuyamungue pueblo grant	Oct. 15, 1877	[2]17,254.77
82	Cañada Ancha tract	Mar. 9, 1874	103,959.31
83	Town of Bernalillo	Mar. 24, 1874	11,674.37
84	Angustura tract, pueblo of San Felipe	....do	2,319.04
85	Doña Aña Bend Colony grant	Apr. 17, 1874	19,323.57
86	Mesilla Colony grant	June 5, 1874	33,960.33
87	Gasper Ortiz grant	May 8, 1874	[2]14,000.00
88	Santa Fé tract	Apr. 29, 1874	17,361.11
89	Talaya tract	June 5, 1874	1,003.55
90	Refugio Colony grant	... do	26,130.19
91	Town of Alameda tract	June 17 1874	108,274.87
92	Town of Jacona tract	June 30, 1874	46,341.48
93	Cañon del Rio Colorado	Aug. 26, 1874	42,939.21
94	Una de Gato[3]	...do	
95	Town of Cevolleta or Joya grant	June 7, 1875	224,770.13
96	Ignacio Chaves *et al.* grant	Jan. 7, 1875	243,036.43
97	Mestas, Joaquin & Son's grant	... do	3,632.94
98	Cañada de las Alamos	....do	148,862.94
99	Felipe Tayfoya grant	....do	22,578.12
100	M. & S. Montoya grant	....do	3,253.09
101	Nuestra Señora de la Luz de las Laquintas	....do	43,653.03
102	San Marcos pueblo	....do	1,890.62
103	Aqua Salada	....do	18,046.59
104	B. Baca & Son's grant	do	12,207.41
105	Petaca	Mar. 11, 1876	186,977.11
106	Ojo de la Cabra tract	Jan. 29, 1879	4,340.36
107	Town of Socorro	Jan. 4, 1877	843,259.59
108	Town of Vallecito	Mar. 1, 1876	114,400.54
109	Rancho de Taos	Dec. 7, 1880	1,557.83
110	Not reported		
111	Santa Teresa	Dec. 7, 1880	9,681.29
112	Mesilla and Arroyo Seco tracts	Feb. 24, 1881	5,999.69
113	Cañon de Pedernales tract	Dec. 7, 1880	[2]256,000.00
114	Santa Barbara tract	Feb. 24, 1881	18,489.23
115	Cieneguilla tract	May 17, 1880	45,244.73
116	Antonio Martinez grant	May 19, 1880	67,480.20
117	Orejos del Llano de las Aquages tract[4]	Feb. 17, 1885	
118	Ojo de Borrigo tract	Feb. 24, 1881	60,214.13
119	San Miguel del Bado tract	....do	315,300.80
120	José Dominguez grant[4]	Feb. 25, 1888	
121	Not reported		
122	Cañon de San Diego[4]	Dec. 7, 1880	9,572.57
123	Santisima Trinidad or rancho de Galvan	Apr. 24, 1883	17,018.00
124	Town of Peña Blanca	Dec. 15, 1881	585.66
125	Not reported		
126	Bartolome Baca grant[4]	May 11, 1887	
128	Las Truches	May 27, 1887	10,314.65
129	J. M. S. Baca grant[5]		3,601.19
130	Town of Albuquerque	Dec. 26, 1883	17,361.06
131	Polvadera	Dec. 24, 1888	35,924.18
132	Rio Arriba	Dec. 1, 1884	23,351.12
133	Rito de los Feijoles[5]		23,022.28
134	San Mateo Spring grant	Jan. 15, 1885	3,547.46
135	Cañada de Cochiti	Dec. 15, 1884	104,554.24
136	Santiago Ramirez	Jan. 15, 1885	6,165.90
137	Sebastian de Vargas grant	Dec. 1, 1884	[2]24,000.00
138	Cañada de Santa Clara	Jan. 21, 1887	[2]90,000.00
139	Santa Tomas de Iturbide colony	Apr. 23, 1886	[2]8,877.36
140	Town of Abiquin	May 31, 1887	[2]10,980.00
141	Domingo Valdez grant[4]	....do	
142	Pueblos of Santo Domingo and San Felipe	May 21, 1887	[2]1,145.00

[1] Recommended by surveyor-general for rejection.
[2] Area estimated.
[3] Reported as fraudulent.
[4] Recommended for rejection.
[5] In the General Land Office.

List of reports on private land claims in New Mexico, etc.—Continued.

No. or letter.	Name of claim.	When sent to the Department for submission to Congress.	Area held in reservation.
	NEW MEXICO—continued.		*Acres.*
143	Ocate[1]	June 2, 1887	
144	Las Huertas [1]	June 4, 1887	
145	Town of Atrisco	Nov. 19, 1887	[2]70,000.00
146	Las Padillas or El Tajo	Dec. 20, 1887	[2]24,000.00
147	J. A. Lucero grant	June 16, 1887	[2]8.82
148	Plaza Blanca	June 23, 1887	[2]14,000.00
149	Plaza Colorado	Aug. 17, 1887	[2]18,240.00
150	Cañon de Carnue	Nov. 19, 1887	[2]86,400.00
151	El Rito	do	[2]51,840.00
152	Guadalupita	June 23, 1887	[2]115,200.00
153	Cieniguitas	Mar. 3, 1888	[2]14,000.00
154	Not reported		
155	Nicholas Durande Charra grant	Oct. 3, 1888	[2]50,000.00
156	Los Ranchos	Nov. 14, 1888	[2]30,720.00
157	Pajarito	Jan. 25, 1889	[2]35,840.00
158	Los Ranchos de Taos	Feb. 19, 1889	[2]20,000.00
159	Arroyo Hondo	do	[2]23,000.00
160	José Garcia grant	Mar. 2, 1889	[2]76,000.00
161	Not reported		
162	Nuestra Señora de los Dolores mine[3]		
	Total area in New Mexico		6,643,938.63
	ARIZONA.		
1	Not reported		
2	Not reported		
3	Rancho San Rafael del Valle	Jan. 11, 1880	17,360.76
4	Rancho San Ignacio del Babacomori	Mch. 11, 1880	34,722.03
5	Rancho San Ignacio de la Canoa	June 11, 1880	17,208.33
6	Rancho El Paso de los Algodones[1]	Nov. 13, 1880	22,193.40
7	Rancho Tumacaciri and Calabazas	May 22, 1880	52,007.95
8	Rancho San José de Sonoita	Nov. 8, 1880	7,598.07
9	Rancho San Rafael de la Zanja	Nov. 9, 1880	17,361.10
10	Aribac	Feb. 9, 1881	8,680.52
11	Rancho San Juan de las Boguillas y Nogales	Jan. 7, 1882	17,355.86
12	Rancho Nogales de Elias	Dec. 13, 1881	10,638.68
13	Rancho Otero and house lot	Dec. 14, 1881	185.70
14	El Sopori[1]	Dec. 17, 1881	
15	Rancho de Martinez	Apr. 5, 1884	74.17
16	Maria Santisima del Carmin or Buena Vista	Jan. 31, 1882	5,000.16
17	Tres Alamos	Feb. 7, 1884	[2]44,386.89
	Total area in Arizona		254,833.53
	COLORADO.		
1	Medano Springs and Zapato grant	Oct. 22, 1877	229,814.53
	Area reserved in New Mexico		6,643,938.63
	Area reserved in Arizona		254,833.53
	Ara reserved in Colorado		229,814.53
	Total		7,128,586.69

[1] Recommended for rejection.
[2] Area estimated.
[3] Recommended for rejection in the General Land Office.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 171.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

An agreement between the Cherokee Commission and the Iowa Indians in the Indian Territory.

JULY 3, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, as required by section 14 of the act of March 2, 1889, an agreement concluded on the 20th day of May last between the Commissioners on behalf of the United States, commonly known as the Cherokee Commission, and the Iowa Indians residing in the Indian Territory.

A letter of the Secretary of the Interior, which is accompanied by communications from the Commissioner of Indian Affairs and the Assistant Attorney-General, is also submitted.

These papers present a full and clear statement of the matters of fact and questions of law which Congress will need to consider in passing upon the question of the ratification of the agreement which is submitted for its consideration and such action as may be deemed proper.

BENJ. HARRISON.

EXECUTIVE MANSION,
July 2, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, June 27, 1890.

The PRESIDENT:

On the 2d day of June there was received at this Department the inclosed communication to you, signed by the members of the Cherokee Commission. It was accompanied by the articles of agreemen t inclosed dated May 20, 1890. The fact of the arrival of these documents was made known to you without delay; but as there was a serious question relating to the validity of the contract, because the members of the Iowas of Kansas and Nebraska had not signed, the papers have been detained, pending such investigation as would enable me to form a satisfactory conclusion on the point presented.

It may be best first to present an abstract of the agreement itself, and the statistics relating thereto, and afterwards present for your

consideration the question whether the contract should be ratified without the signatures of the Iowas of Kansas and Nebraska.

The agreement itself provides for a cession by the Iowas of all the reservation in the Indian Territory set apart by Executive order August 15, 1883, saving to each Indian an allotment of 80 acres, to conform to usual survey, an Indian having improvements gaining a preference therefor; all to be made at cost of the United States and under the rules of the Secretary of the Interior by special agents, and within sixty days after the special agents shall appear on the reservation and give notice. If any one fails to make his or her selection the agent shall make the selection for the Indian. "And when all said allotments are made and approved then the residue of said reservation, except as hereinafter stated, shall, as far as said Iowa Indians are concerned, become public lands of the United States." (Art. III.)

Patents are to issue holding the allotments in trust for twenty-five years, not subject to tax, etc., and thereafter in fee to Indians, their heirs or devisees. Ten acres in square form, including church, graveyard, and school-house at Iowa Village, are reserved. When allotments are made the Commissioner of Indian Affairs is to expend $24,000 for improvements (specifically enumerated), and the United States will pay per capita $3,600 per annum, semiannually for first five years; $3,000 per annum for second five years; $2,400 per annum for third five years; $1,800 per annum for fourth five years; $1,200 per annum for fifth five years. These payments are regulated somewhat by the agreement.

In Article VIII it is provided that this "shall not affect any other claim of the Indians," nor "any interest that said tribe or its members may have in any reservation of land outside of the Indian Territory," nor annuities.

The chief, Tohee, being blind, is given $350.

In supplemental articles signed by the Commissioners only it is provided the trust to allotted lands may be continued at the end of twenty-five years for another five years, and the chief may select an additional ten acres, in square form, for use of tribe in common. These supplemental articles are altogether in favor of the Indians, and are sufficiently signed by the Commissioners only. The agreement is in due form.

There are eighty-eight persons on the reservation. Twenty-three of the males are over eighteen years of age, of whom thirteen have signed. Of less than fifty, male and female, over eighteen years, thirty-four have signed. Of entire population of eighty-six men, women, and children, signatures have been obtained of those over eighteen years, who represent sixty-two.

The reservation has 228,418 acres; the allotments will contain 6,890 acres. The residue, 221,528 acres, becomes the land of the United States. The amount agreed to be paid in the aggregate is $84,350, or 38 cents an acre. (See commissioners' report.) The commission remarks that it was aware of the very limited extent of the Iowas' real title and interest in and to said lands, but their claim is "absolute ownership," and these negotiations took place with these different views existing. The above was deemed the most satisfactory conclusion that could be reached. By reference to the act of March 2, 1889 (25 Stats., 1005) under which this commission acts, it will be seen that you are required to report the agreement to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes agreeing to the same for ratification.

In the present instance there is no council for the Iowas making this agreement, as will be seen by the report of the commissioners accompanying the agreement. It is there written:

> The Iowas have no government that we are aware of. They have a chief and he has some advisers of his own selection, but no one seems to have authority to control or direct. In conference with the commission any Indian seemed to have as much to say and with as much authority as the chief.

The act of Congress necessarily deals in general directions for cases as numerous and varied as are therein embraced, and I think if it is to be ratified at all by the Indians it must be by the same Indians that have signed it.

THE PRINCIPAL QUESTION OF LAW.

Besides the Iowas who signed this agreement, there are others yet remaining on the reservation in Nebraska and Kansas. These number 166 and their reservation, subject to allotment and as hereinafter more particularly stated, contains 16,000 acres. Allowing for allotments 11,620 acres, which is 70 acres for each person (the usual estimate), there will remain for sale there 4,380 acres, deemed now to be worth $25 an acre, equal to $109,500.

This reservation was established by treaty September 17, 1836 (7 Stats., 511), embracing 200 sections of land. By treaty May 17, 1854 (10 Stats., 1069), the Iowas ceded to the United States all of this reservation except a portion then described, and which, as the treaty said, should be the future and permanent home of the Iowas. By treaty March 6, 1861 (12 Stats., 1171), they ceded to the United States, for use of the Sac and Fox tribes of the Missouri, a portion of the reservation as reduced by the treaty of 1854, and provided the remainder should be for the exclusive use of the Iowas.

By certain articles in the treaty (1854) it was provided that the lands ceded thereby were to be sold and the proceeds paid to the Iowas, and the reserved land was to be assigned to each person or family under direction of the President, who was also authorized by and with the consent of the Senate to "adopt such policy in the management of their affairs as, in his judgment, may be most beneficial to them; or Congress may hereafter make such provision by law as experience shall prove to be necessary."

In the early part of the year 1883 there was much discussion among the Iowas in Kansas and Nebraska about going to the Indian Territory. In 1878–'79 a portion of the tribe had wandered south, and on August 15, 1883, the President established the reservation in the Indian Territory for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon. (Report Commissioner Indian Affairs 1883, p. 223.) The number of the whole tribe was at this time about 220, and only 88 of those were or have been on the Indian Territory reservation.

By act of March 3, 1865 (23 Stat., 351), which was assented to by the Sac and Fox and the Iowas in open council of each tribe, the Secretary of the Interior was required to have surveyed and sold at public sale to those intending to be actual settlers the remainder of the reservations of these tribes in Kansas and Nebraska. The improvements were to be sold separately. The act fixed the minimum price of the land at $8 an acre. This act provided, also, that any member of the Iowa tribe residing at its date on these lands and having improvements thereon might elect to remain, and such land should be withheld from sale and

the Secretary of the Interior should issue him or her a certificate therefor; and this was to be in full satisfaction of his interest in the reservation or the money realized therefrom. The Indians were to be paid for their improvements, and the proceeds of the United States improvements and of the land were to be deposited in the Treasury and the income expended for the benefit of the Indians. The most important provision of this act in connection with the present question is section 5, which reads as follows:

> That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as aforesaid, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and civilization.

The President was authorized to issue patents to the tribes for the reservation selected under the foregoing provision, and whenever allotments were desired on the roservation provided for they could be made. An appropriation of $10,000 was made for the purpose, and the Secretary of the Interior authorized, upon consent in open council, to remove the Iowas residing in Kansas and Nebraska to the reservation secured. The remarkable fact is that nothing has been done under these careful provisions. No survey of the lands, no public sale, no allotments, and no removals have occurred. The Iowas in Kansas and Nebraska have staid there substantially; and those in the Indian Territory have gone on and finally agreed to sell their interest in that land, retaining allotments and all other claims. Under the present administration orders have issued for the completion of this survey with a view to the proper allotment and sale in Kansas and Nebraska.

By act of January 26, 1887 (24 Stats., 361), the third section of that of 1854 was amended so that each Iowa Indian taking land in the Kansas or Nebraska Reservation would be charged with it at its fair valuation, in part satisfaction of his interest in that reservation, or the proceeds thereof, but his right to share in other funds and credits of the tribe should not be impaired thereby.

On July 31, 1885, by the Commissioner of Indian Affairs, under approval of the Acting Secretary, the Iowa Indians were informed that if they so desired they could be located on the present Iowa Reservation in the Indian Territory, and that a patent therefor would be made to the Iowa tribe, less a sufficient quantity for the Tonkawas then located there. To this the Iowas assented, but they have done nothing more. On August 15, 1889, the Acting Secretary wrote the Commissioner that it was not necessary for the Iowas in Kansas to remain there until the allotments there were made to those desiring them, but some provision should be made for the removal of those wishing to go to the Indian Territory. The Commissioner, November 15, 1889, advised the Indian agent relative to the removal that no further action should be taken in the matter until the allotments have been made or until further instructions should be received.

It thus appears that the Iowas had alternatives presented to them upon the cession of their lands under act of 1885; they could take allotments on lands as occupied by each, or they could go to the reservation to be secured for them. If any one took his allotment claim, he was not to be also entitled to participation in the new reservation. This reservation was to be secured by the Secretary, consented to by the Indians; they were to be removed to it, and a patent was to be granted by the President to the Iowa tribe.

The reservation now under consideration was created by executive *order* before this act of 1885—that is, August, 1883. Not only for the

Iowas who had wandered there, but such other Indians as the Secretary might see fit to locate thereon. Neither it nor its occupants were mentioned in the act of 1885. No consideration was ever paid for it by the Indians, and those on it have in fact never acquired any title, because not accompanied by the tribe, to whom alone a patent could issue, and only upon occupancy by the tribe.

The lands in this Indian Territory were then in a wild unsettled country, while the act of 1885 put the minimum price on the lands in Kansas and Nebraska at $8 an acre; they are now worth at least $25 per acre, according to the best information. The lands in the Indian Territory have been agreed to be sold at about 38 cents an acre, allotments being also granted. This low price is accepted by the Iowas there evidently because of their knowledge of the weakness of even their own claim.

There is abundant land on the Kansas and Nebraska reservation for allotment to all there, as above shown; the survey, sale, and allotments will be ordered without further delay, and insisted upon until consummated; and it is not perceived but that this must result in a much greater advantage to these Indians than they could obtain in the Indian Territory. It is to be remembered they can not have both—their allotment in Kansas and Nebraska and also their claim in a reservation to which they have never removed.

The act of 1887 clearly exhibited that it was not then expected that the tribe would remove and secure a patent elsewhere, but that the plan of allotments on the reservation and sale of the remainder thereof was to be pursued. This was about two years after assent in council to remove.

Moreover, it is to be noticed that were these Indians in Nebraska and Kansas now to demand or receive allotments in the Indian Territory or the proceeds of lands sold there under the agreement with the Cherokee commissioners, they would thereby forfeit their claims to the very favorable terms of the laws of 1885 and 18 7.

It is deemed to so construe this law on the whole subject as to require the assent of the Iowas in Nebraska and Kansas, and thus require or induce them to forfeit their present advantages, would not be protecting their best interests.

There having been no consent to accept the reservation since the last Congressional exercise of its control (the act of 1887), and no actual occupancy of the Indian Territory reservation by those of Kansas and Nebraska, it is deemed the Iowas in the Indian Territory were the only ones necessary to consult, and they only out of a disposition to induce them to go upon allotments and to cultivate them in a contented state of mind. If the Iowas of Nebraska and Kansas hereafter claim a reservation for such as will not accept allotments where they are, it can be given if deemed necessary or proper. They may be settled even east of the Western Cherokee line.

Congress has complete power and jurisdiction on consideration of this question to control the subject by legislation as it deems best for the tribe. (United States *vs.* Kagama, 118 U. S. S. C. R., 375; Choctaw Nation *vs.* United States, 119 U. S., 27.)

The views of the Acting Commissioner of Indian Affairs and of the Assistant Attorney-General, that differ with my own, are herewith submitted.

Most respectfully,

JOHN W. NOBLE,
Secretary.

IOWA VILLAGE, *May* 28, 1890.

SIR: We have the honor now to make report to you in pursuance of the act of Congress authorizing the creation of what is commonly known as the Cherokee Commission. Under the instructions of the Hon. Secretary of the Interior the commission met at Guthrie, Oklahoma, on the 12th instant.

After securing transportation and making other necessary preparations for visiting the Indians at their home, we left Guthrie on the 16th and arrived at the Iowa Village on the 17th instant.

After conferring with Chief Tohee and other members of the tribe a meeting was arranged for that afternoon, which was held. Some three hours were spent in discussing the wants of the Government in a general way by the commissioners, and the Indians in a like general way presented their objections to any change in their condition or circumstances.

On Monday the 19th another conference was held and much talk was had, when the commission presented to them a definite proposition providing for allotments in severalty of 80 acres of land for each Iowa Indian residing upon the reservation and money payments as follows:

Twenty-four thousand dollars to be paid out under the direction of the Commissioner of Indian Affairs, as nearly per capita as may be, in the improvement of their allotments, buying breeding animals, agricultural implements and seeds; also $3,600 per annum, payable semi-annually for the first five years after the contract shall take effect; $3,000 per annum, payable semi-annually for the second five years after the contract shall take effect; $2,400 per annum, payable semi-annually for the third five years after the contract shall take effect; $1,800 per annum payable semi-annually for the fourth five years after the contract shall take effect; and $1,200 per annum payable semi-annually for the fifth five years after the contract shall take effect.

On Tuesday, the 20th, another council was held, when three of the most advanced and intelligent members of the tribe accepted the offer and signed the contract.

On the night of our arrival the Iowas held a grotesque dance to the music of a bass drum accompanied by sleigh-bells.

This exercise was said to be for the purpose of invoking aid from on high to guide them in their negotiations with the commissioners. The dancing was continued Sunday and parts of other days during our stay, but negotiations were pushed quietly from day to day until a successful result was reached.

Before closing the contract, at the request of many Indians and at the dictation of humanity, an additional sum of $350 was provided for Chief Tohee because of his total blindness and complete helplessness.

The Iowas are but little advanced in civilization and the older men are especially adverse to adopting or even approaching the ways of the white man. They seem unwilling to have their children educated, and seem afraid of contact with the whites, therefore in the contract we have adopted the plan embraced in the general allotment act of Congress, that the United States shall hold title in trust in their lands for a period of twenty-five years. These Indians are poor indeed.

The most intelligent among them inform us that many have no regular meals or meal time, but cook and eat whenever they have anything to cook and eat, whether it is twice in one day or once in two days. With a large reservation of much very good land a great majority of

them could not or would not live without annuities from the Government. They live in bark houses, admirably adapted to summer use while pains are not upon them. There seems to be now no incentive to energy; to exist is all that is required—a realization of the communist's dream—much property held in common, with greater poverty the common lot of all.

The Iowas have no government that we are made aware of.

They have a chief and he has some advisers of his own selection, but no one seems to have authority to control or direct. In conference with the commission any Indian seemed to have as much to say and with as much authority as the chief.

No person or set of persons assumed or claimed the right to make arrangements or contract with the Government by virtue of any position, official or otherwise, held by him or them; so that we were compelled to and did deal with the tribe. Of the chief and four advisers, we have secured the signatures of three to the contract, a majority of one. Of the twenty-three male members of the tribe over eighteen years of age residing and being on the reservation, we have secured the signatures of thirteen. Of less than fifty members of the tribe, male and female, over the age of eighteen years, we have secured the signatures of thirty-four. Of an entire population of about eighty-six men, women, and children, we have secured the signatures of those over eighteen years of age that represent sixty-two.

Those that did not sign the contract, a small minority in any way considered, all united in saying the contract was good and fair and liberal, but they would not sign it simply because they did not want to.

The Iowa Reservation contains 228,418 acres.

The Iowa tribe residing on said reservation is composed of eighty-six persons, as nearly as we can arrive at the number.

The allotments and church and school-house reservation contain (if eighty-six allotments shall prove correct) 6,890 acres.

The residue, 221,528 acres, becomes the land of the United States, with all Indian titles, claims, and interests extinguished.

The amount agreed to be paid for such relinquishment is in the aggregate $84,350, or 38 cents per acre. But $60,000 of the money to be paid is in annuities extending over the period of twenty-five years, the present worth of which, computing interest at 5 per cent. per annum, is in round numbers $37,000, making the aggregate $61,350, or less than 28 cents per acre.

The Commission is aware of the very limited extent of the Iowas' real title and interest in and to said tract of country, but their claim is absolute ownership, they believing, or assuming to believe, that an executive order signed by the great father, setting land apart for their permanent use and occupation, makes absolute title. The standard of intelligence among the Iowas makes it exceedingly difficult to make them understand that they have but a limited and qualified interest. Other negotiations in the Territory perfected and pending, and especially the Oklahoma purchase, have come to their knowledge, and their minds had become fixed upon allotments of 160 acres to each member of the tribe and $1.25 an acre for the residue of the reservation; but the Commission, knowing their title to be limited and their tenure even insecure, procured the contract herein described.

The Commission appreciates the outfit for camping, transportation, and escort, commanded by an efficient officer in the person of Lieutenant Crawford.

Our thanks are also especially due to Capt. H. C. Cavanaugh, Thirteenth Infantry, U. S. Army, for his uniform courtesy and prompt action in executing the order of the War Department to furnish the above.

At the instance of the chief and other Indians the Commission made and signed two supplemental articles of small import to the contract.

At the instance of the chief, because of the necessities of the Iowas, the Commission agreed to recommend in its report (although foreign to the purpose for which the Commission was created) that their annuities provided for by existing laws shall be paid semi-annually instead of annually, as he represents is now the practice. In compliance with such agreement we make such recommendation.

The Commission is aware that the many conditions and times of payment provided for in the contract make it seem complicated, but in view of the condition of the Iowas they are all, in the judgment of the Commission, necessary for the best interest and comfort and prosperity of the Indian.

A list of the signers to the contract and of the persons represented by them is hereto appended.

We leave here to-day to visit and open negotiations with the Sac and Fox Indians.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

The PRESIDENT,
Washington, D. C.

List of signers and persons represented by them.

William Tohee, chief.
Maggie Tohee, wife.
Emma Tohee, niece.
Charles Tohee, son.
Amelia Tohee, niece.
Abrokinie.
Mary White Cloud, wife.
Nellie Green, daughter.
Elwood Green, son.
Jefferson White Cloud.
Ellen White Cloud, wife.
Julia White Cloud, daughter.
Mary White Cloud, daughter.
Emma White Cloud, daughter.
Phœbe White Cloud, daughter.
Eliza White Cloud, daughter.
Elizabeth White Cloud, daughter.
Cora White Cloud, daughter.
Victor Dupee.
Mary Dupee, wife.
Amma Dupee, daughter.
Louise Dupee, daughter.
Sophia Dupee, daughter.
Frederich Dupee, son.
Kirwin Murray.
Mary Murray, wife.
Charles C. Murray, son.
Eliza Keebolt.
Eva White, daughter.
David Tohee.
Mary Tohee, wife.
Mary Neal Tohee, daughter.
Edward Tohee, step-son.
Allie Tohee, step-daughter.
Garrie Squirrel.
Susan Squirrel, wife.
Mary Fly Squirrel, daughter.
Widow Tohee, A-paw-nu-mee.
Mary Squirrel, sister.
Albert Ely.
Julia Ely, wife.
Unborn child.
Naw-a-tomie, widow.
Robert Small, grandson.
Moses.
Lucinda R. Moses, wife.
Willie Dole.
Josie Dole, wife.
Jacob Dole, son.
Tom Dorian.
Catharine Dorian, wife.
Big Ear.
Theresia Big Ear, wife.
Farrar Rubedeau, grandchild.
David Tohee, jr., grandchild.
Julia Washington, widow.
Ida Washington, daughter.
Anna Rubedeau, widow.
Maggie Rubedeau, daughter.
Jennie Rubedeau, daughter.
Gratamontbu, grandchild.

Articles of agreement made and entered into on the 20th day of May, A. D. 1890, at the Iowa Village in what is known as the Iowa Reservation in the Indian Territory, by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States appointed for the purpose, and the Iowa tribe of Indians residing on said reservation.

ARTICLE I. The said Iowa tribe of Indians, residing and having their homes thereon, upon the conditions hereinafter expressed do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following described tract of country in the Indian Territory, viz:

Beginning at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac and Fox Reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning,

set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon, by executive order made and dated the 15th day of August, A. D. 1883.

ARTICLE II. Each and every member of said Iowa tribe of Indians shall be entitled to select and locate upon said reservation or tract of country eighty (80) acres of land which shall be allotted to such Indian in severalty. No other restriction as to locality shall be placed upon such selections than that they shall be so located as to conform to the Congressional survey or subdivision of said tract of country, and any Indian having improvements may have the preference over any other Indian in and to the tract of land containing such improvement, so far as they are within a legal subdivision not exceeding in area the quantity of land that he is entitled to select and locate.

Each member of said tribe of Indians over the age of eighteen years shall select his or her land, and the father, or if he be dead the mother, shall select the land herein provided for, for each of his or her children who may be under the age of eighteen years, and if both father and mother of the child under eighteen years of age shall be dead, then the nearest of kin over eighteen years of age and an Iowa Indian shall select and locate his or her land; or, if such person shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs or some one by him authorized, shall select and locate the land of such child.

ARTICLE III. That the allotments provided for in this act shall be made at the cost of the United States by special agents appointed by the President for such purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent or agents shall appear upon said reservation and give notice to the acting and recognized chief of said Iowa tribe of Indians, that he is ready to make such allotments; and if any one entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved then the residue of said reservation except as hereinafter stated, shall, as far as said Iowa Indians are concerned, become public land of the United States.

ARTICLE IV. Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect

and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, of his or her heirs or devisees according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs or devisees as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

And during said period of twenty-five years said land, so allotted and the improvements thereon shall not be subject to taxation for any purpose by any State or Territory or any municipal subdivision thereof, nor subject to be seized upon any execution or other mesne or final process issued out of any court of any State or Territory, and shall never be subject to be seized or sold upon any execution or other mesne or final process issued out of any court of any State or Territory upon any judgment rendered upon any debt or liability incurred, the consideration of which, immediate or remote, passed prior to the expiration of said period of twenty-five years. And the law of descent and partition in force in the State or Territory where such lands are situated shall apply thereto.

ARTICLE V. There shall be excepted from the operation of this agreement, a tract of land not exceeding ten acres in a square form, including the church and school-house and grave-yard at or near the Iowa village, and that ten acres of land shall belong to said Iowa tribe of Indians in common so long as they shall use the same for religious, educational, and burial purposes for their said tribe—but whenever they shall cease to use the same for such purposes for their tribe, said tract of land shall belong to the United States.

ARTICLE VI. When all the allotments are made as aforesaid the United States, under the direction of the Commissioner of Indian Affairs, will expend for said Iowa tribe of Indians described herein as beneficiaries of this agreement for improving their said land, for building houses, providing for said Indians breeding animals, agricultural implements, and seeds, the sum of twenty-four thousand dollars, provided that said sum shall be paid out as nearly equally per capita as may be, the father, or, if he be dead, the mother to act for their children under the age of eighteen years, and the Commissioner of Indian Affairs in his own discretion to act for orphan children under the age of eighteen years.

ARTICLE VII. As a further and only additional consideration for such surrender and relinquishment of title, claim, right, and interest as aforesaid the United States will pay to said Iowa Indians, the beneficiaries of this agreement, per capita, three thousand and six hundred dollars per annum, payable semi-annually for the first five years after this agreement shall take effect; three thousand dollars per annum, payable semi-annually for the second five years after this agreement shall take effect; two thousand and four hundred dollars per annum, payable semi-annually for the third five years after this agreement shall take effect; one thousand eight hundred dollars per annum, payable semi-annually for the fourth five years after this agreement shall take effect, and one thousand two hundred dollars per annum, payable semi-annually for the fifth five years after the agreement shall take effect. In all such payments each person over the age of eighteen years

shall receive and receipt for his or her share, and the father, or if he be dead, the mother of any person entitled, who is under the age of eighteen years of age, shall receive and receipt for his or her share; and when both father and mother of such person be dead, the person, if an Iowa Indian, with whom such person makes his home, shall receive and receipt for such person's shares, otherwise it shall be paid to the Indian agent of the said Iowa Indians for the use of such orphan.

ARTICLE VIII. It is hereby expressly agreed and understood that nothing herein contained shall in any manner affect any other claim not mentioned herein that said Iowa tribe of Indians have against the United States; nor shall this agreement in any manner affect any interest that said tribe or its members may have in any reservation of land outside of the Indian Territory, nor shall this agreement in any manner affect any annuities or payments, principal or interest, due to said tribe or its members by existing laws or treaties with the United States.

ARTICLE IX. William Tohee, the chief of the Iowas, is incurably blind and helpless, and has a wife, Maggie Tohee, an Iowa woman, but by whom William has no child. William is not only helpless but requires and receives the constant care and attention of Maggie, so that neither can give attention to matters of business or labor or devote their time or energy to procuring a living; therefore it is mutually agreed, in addition to the provisions hereinbefore made for the Iowas, including said William and Maggie, that the United States will pay out to or for the use of said William, under the direction of the Commissioner of Indian Affairs, the sum of three hundred and fifty dollars. Because of the relation between the said William and Maggie and the care that he requires of her and that she bestows upon him, it is agreed that the patents to them creating the trust in the United States for them for the period of twenty-five years shall further recite and provide that in the event of death of either said William or Maggie during said period of twenty-five years then the possession and use of the lands allotted to both shall be in the survivor, and patents for the land allotted to both shall issue to the survivor, discharged of the said trust at the expiration of the said twenty-five years, provided said parties shall be living together as man and wife until the death of either.

ARTICLE X. This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

David H. Jerome, A. M. Wilson, Warren G. Sayre, commissioners on the part of the United States.

Jefferson White Cloud (his x mark), Kirwan Murray, Victor Dupee, Eliza Keebolte, Eva White, William Tohee, chief, (his x mark), Maggie Tohee (her x mark), Charles Tohee, Emma Tohee, David Tohee, Garrie Squirrel, Susan Squirrel (her x mark), Abrockanie (John Green) (his x mark), Mary White Cloud (her x mark), Nellie Green (her x mark), Albert Ely (his x mark), Julia Ely (her x mark), Naw-a-tawmy (her x mark), Moses (his x mark), Lucinda R. Moses (her x mark), Willie Dole, Josie Dole (her x mark), Tom Dorian (his x mark), Catharine Dorian (her x mark), Mary Squirrel (her x mark), Widow Tohee (her x mark), Mary Tohee (her x mark), Ellen White Cloud (her x mark), Mary Murray (her x mark), Kis-tom-ie (her x mark), Big Ear (his x mark), Theresa Big Ear (her x mark), Julia Washington (her x mark), Anna Rubideau (her x mark).

SUPPLEMENTAL ARTICLES.

ARTICLE XI. It is now further agreed by the commission, on the part of the United States, at the special instance and request of Chief Tohee, that the Iowas at the expiration of said term of twenty-five years, during which the United States shall hold the allotments in trust for them, shall represent to the President that they desire said trust continued, then the President may, in his discretion, extend said period, during which said lands are so held in trust for any period not exceeding five years.

ARTICLE XII. It is further agreed that when said allotments are being made the chief of the Iowas may select an additional ten acres in a square form for the use of said tribe in said reservation, conforming in boundaries to the legal subdivisions of land therein, which shall be held by said tribe in common, but when abandoned by said tribe shall become the property of the United States.

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

I, Kirwan Murray, do hereby certify that I am the official interpreter chosen by the Iowa tribe of Indians; that I am a member of said tribe; that I interpreted to said Indians the nature and terms and words of the contract to which this is appended, made and entered into by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Iowa Indians residing on their reservation in the Indian Territory, at the Iowa Village, on the 20th day of May, A. D. 1890; that said contract was by me fully explained to said Indians and they made to understand the same before it was signed by them; and I further certify that I was personally present when each and every person's name was signed thereto, and witnessed the same, and that those whose signatures appear to said contract appended the same thereto understandingly, and where signed by mark or otherwise I attest the same.

Given under my hand at the Iowa Village this May 28th, 1890.

KIRWAN MURRAY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 5, 1890.

SIR: I have the honor to acknowledge the receipt of your communication dated June 4, 1890, in which you transmit certain articles of agreement made and entered into on the 20th day of May, 1890, at Iowa Village, Iowa Reservation, in Oklahoma Territory, by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the tribe of Indians residing on said reservation, and request that I will examine these documents without delay, with the view to determining whether they are in due form and in compliance with the instructions to the commissioners and in my judgment valid for the purposes indicated.

You direct the preparation of the necessary papers for the submission of the agreement to the President for his action and for his transmis-

sion of the same to Congress if in the opinion of this office they are in due form and sufficient. If not, that I will state any objections to the same at length that they may receive due consideration at your hands.

From the report of the commission which accompanies the agreement it appears that they obtained the signatures of thirteen of the twenty-three male members of the tribe over eighteen years of age, residing on the reservation, and the signatures of thirty-four of the fifty members of the tribe, male and female, over the age of eighteen years.

By the first article of the agreement the Iowa tribe of Indians residing and having their homes upon the tract of country in the Indian Territory as described in the Executive order of August 15, 1883, surrender and relinquish to the United States all their right, title, claim, and interest in and to the said described tract upon the terms and conditions specified in the agreement.

By the second article of the agreement each and every member of said Iowa tribe of Indians (now residing on said described reservation) is entitled to select and locate on said reservation 80 acres of land, which shall be allotted to said Indians in severalty.

The agreement provides the manner in which these allotments shall be made and for the issuance of patents therefor substantially upon the terms and conditions prescribed in the general allotment act (24 Stats., 388).

The price stipulated to be paid for the lands relinquished, as stated by the commission, is, in the aggregate, $84,350, or 38 cents per acre, payable in semi-annual payments extending over a period of twenty-five years.

I see no objection to the form of the agreement.

This reservation was established by Executive order of August 15, 1883. In office report of July 30, 1883, submitting a draught of the order, the following statement was made:

> It is probable that the Iowa Reservation in Kansas and Nebraska will before many years be sold, when that portion of the tribe in the Indian Territory will be joined by their brethren from those States, making the number of Iowas some two hundred and twenty.

March 3, 1885, an act was passed which provided for the sale of the Sac and Fox and Iowa Indian Reservations in the States of Kansas and Nebraska, and for other purposes (23 Stats., 351).

The first and second sections of said act provided for the appraisement and sale of the remainder of the reservation of the Iowa Indians lying in the States of Nebraska and Kansas, with the consent of a majority of the chiefs, headmen, and male adults of the tribe expressed in open council.

The third section provided that if any member of the tribe, residing at the date of the passage of the act upon any lands authorized to be sold, being the head of a family or a single man, and having improvements thereon, should elect to remain on the lands occupied by him, he should have an allotment of the land with title thereto.

The fifth section of the act provided that the Secretary of the Interior might, with the consent of the Indians expressed in open council as aforesaid, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sums as might be necessary for their comfort and advancement in civilization.

The sixth section provided for the issuance of a patent for the reservation that might be selected under the provisions of the preceding section.

April 4, 1885, the Secretary of the Interior decided that the Iowa In-

dians could, under the above act if they so desired, be located on the Iowa Reservation in the Indian Territory created by the Executive order of August 15, 1883, in which event a patent would be issued to the Iowa tribe of Indians for such reservation, as provided in the sixth section of the act.

Under instructions from this office separate councils were held with the Iowa Indians in Kansas and Nebraska, and on the reservation in the Indian Territory. The result of these councils, as stated by Special Agent Parsons, in his report of August 7, 1885, is as follows:

All the Iowas of the Indian Territory, twenty-six in number, have voted to sell the reservation in Kansas and Nebraska. * * *

Eleven out of the twenty-three Iowas in Kansas and Nebraska voted to sell the reservation in Kansas and Nebraska. * * *

In all, thirty-seven out of the forty-nine Iowas voting in favor of sale and to locate Kansas and Nebraska Iowas on Iowa reservation in Indian Territory.

These numbers refer to chiefs, headmen, and male adults.

Objections having been made by the Iowas of Kansas and Nebraska, that under the third section of the act of March 3, 1885, no provision was made for allotments to the minor children of those members who elected to remain on the reservation in those States, or to orphans, Congress was asked to amend the act in this respect, and on the 26th of January, 1887, an act was passed amending the third section of said first-mentioned act, so as to provide for the allotment of lands to those persons desiring to remain, as follows:

To the head of a family, 160 acres; to a single person over eighteen years of age, or an orphan child under eighteen years of age, 80 acres; and to each minor child under eighteen years of age, 40 acres (24 Stats., 367). The act was unchanged in other respects.

Under the provisions of this act councils were again held with each portion of the tribe, during the months of July and August, 1887, by Inspector R. S. Gardner, under instructions from this office dated June 18, 1887, and approved by the Secretary of the Interior.

In his instructions Inspector Gardner was instructed to carefully explain to the Iowas, both in Kansas and Nebraska and in the Indian Territory, all the provisions of the act of March 3, 1885, and the act amendatory thereof, and "to inform all the Iowas that they can remove to the reservation in the Indian Territory already occupied by a portion of the tribe, where there is an abundant quantity of land for all their wants."

He reported August 2, 1887, that the Iowa tribe were almost a unit in favor of the sale of their lands in Kansas and Nebraska as contemplated by the two acts of Congress, approved March 3, 1885, and January 26, 1887. The result of these two councils was as follows:

At the council held with the Iowas in Kansas, July 20, 1887, twenty-four voted to sell lands of the reservation in Kansas and Nebraska. Six voted not to; six being absent.

At the council held with the Iowas, August 3, 1887, at the Sac and Fox Agency, Indian Territory, twenty-five voted to sell the lands of the reservation in Nebraska and Kansas, none voting in the negative.

This action was held to be a valid acceptance of the provisions of the act of March 3, 1885, as amended by the act of January 26, 1887.

On the 20th of August, 1887, the Secretary instructed the Commissioner of the General Land Office to enter into contract for the survey of the reservation in Kansas and Nebraska, which was necessary before lands could be allotted or appraised.

In the original of the instructions for the guidance of the special

agent in the council of the Iowa Indians, he was instructed to inform them that the decision to locate them in the Indian Territory was based upon the fact that it was thought that such location would meet with their wishes, but if they desired another location the matter would be further considered.

From the report of Special Agent Parsons, however, it appeared that the proposed location with their brethren in the Indian Territory was entirely satisfactory to the members in Kansas and Nebraska and the negotiations were apparently conducted with the understanding that those of the tribe who wished to remove to the Indian Territory could do so, and no other location was suggested or thought of. The same is true of the negotiations conducted by Inspector Gardner.

The surveys not having been completed the allotments in Kansas and Nebraska have not been made, and it is not known what proportion of the tribe will elect to remain and what to remove to the Territory.

It has been reported to this office on several occasions that some of these Indians were anxious to remove, and desired assistance in doing so; but the agent was informed that it was not considered expedient to remove any of them until allotments had been made and it was definitely known how many and who desired to remove.

Under the provisions of the acts hereinbefore cited, and the councils held with the Indians, it seems to me evident that any of the Iowa Indians in Kansas and Nebraska who desire to do so have the right to remove to and settle with the Iowas in the Indian Territory, and that when such removal is effected, the united tribe will be entitled to a patent from the United States for the lands in such Indian Reservation, under the provisions of the sixth section of the act of March 3, 1885.

It seems to follow that those of the Indians in Kansas and Nebraska who may elect to remove have an inchoate right in the reservation in the Indian Territory, of which right they can only be deprived with their own consent or by the action of a clear majority of the whole tribe.

Provision ought, therefore, to be made in the agreement whereby sufficient land shall be reserved to make allotments to those members of the tribe not residing on the reservation but who may elect to remove thereto.

Under the provisions of the act of March 3, 1885, section 8, any Indian who may be properly residing on the reservation selected under the act, is entitled to an allotment as follows:

Each head of a family, 160 acres; each single person over twenty-one years of age, 80 acres; each minor, 40 acres.

As the allotment provided for in the agreement is 80 acres to each person it would seem to be necessary to secure the consent of each person intending to remove to the proposed change in quantity. This, however, is hardly practicable in view of the present unsettled condition of the matter, and the proper manner by which the rights of all parties are to be protected is, undoubtedly, to secure the signatures of a majority of the whole tribe to the agreement. I do not anticipate that any difficulty will be experienced in securing the consent of the Kansas and Nebraska Indians to the agreement, modified so as to protect the rights of all the members of the tribe.

The fact that the interest of the Indians in the Indian Territory in the tribal reservation in Kansas and Nebraska is fully protected in the

agreement, strengthens my belief that the rights of those in Kansas and Nebraska in the reservation in the Indian Territory should also be protected.

The instructions prepared in this office for the guidance of the Cherokee Commission contain no reference to the Kansas and Nebraska Iowas. When the instructions were prepared this office was probably under the impression that the provisions of the acts of 1885 and 1887 would be executed and all the Indians intending to remove would be located on the new reservation before the commission began their negotiations with the Iowas, and therefore made no mention of the matter. If a full history had been given it would have prevented the commission from concluding the agreement without considering the Iowas in Kansas and Nebraska as they appear to have done.

It may be remarked that the delay in the execution of the provisions of the acts of 1885 and 1887 was occasioned by the imperfect manner in which the survey was executed, which survey has recently been rejected by the General Land Office.

I observe that two supplemental articles to the agreement submitted by the commission are not signed by the Indians. These articles, however, are mainly for the benefit of the Indians, and their failure to sign is not considered a material defect. It is suggested, however, that if the agreement should be reformed in accordance with the views herein indicated, so as to render a new agreement necessary, all the articles should be incorporated in it, so as to show that they have been consented to by both the commission and the Indians.

I will await your instructions upon the points involved in the information here presented before proceeding as directed by you to the preparation of the documents required for transmitting the agreement to the President.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 12, 1890.

SIR: I have the honor to acknowledge the receipt of your communication, dated June 10, 1890, in which, referring to office report of June 5, 1890, relating to the Iowas in Kansas and Nebraska, and the question whether they should join in the agreement recently made with the Iowa Indians in the Indian Territory, you ask what was done with the land in Iowa (Kansas believed to be meant) and Nebraska not used for allotments, and which was to be sold in 40-acre tracts; whether the money was put to the credit of the whole tribe, or if it has yet been disposed of; and what consideration, if any, was paid directly or indirectly for the reservation in the Indian Territory, and who paid it, whether the tribe as a whole or otherwise.

In reply I have the honor to state that the acts of March 3, 1885 (23 Stats., 351), and January 26, 1887 (24 Stats., 367), providing for the allotment of lands in severalty to such of the Iowa Indians in Kansas and Nebraska as desire to remain, the removal of the remainder, and

the appraisal and sale of the surplus land, have not as yet been executed for the reason indicated in office report of the 5th instant, viz, the imperfect execution of the necessary surveys, which surveys have only recently been finally acted upon by the General Land Office and rejected. Therefore the allotments have not been made, and consequently no lands have been sold and no money has been put to the credit of the tribe, otherwise disposed of.

The fourth section of the act of March 3, 1885 (which act also relates to the adjoining reservation of the Sac and Fox of the Missouri, in Kansas and Nebraska), provides that the net proceeds of the sale of the lands "shall be placed to the credit of the said Sac and Fox and Iowa Indians, according to the interest of said tribes in said reservations, in the Treasury of the United States."

The Iowa Reservation in Kansas and Nebraska was established by the treaty of September 17, 1836 (7 Stats., 511), embracing 200 sections of land. By the treaty of May 17, 1854 (10 Stats., 1069), the Iowas ceded to the United States all of the reservation except a certain described portion. By the treaty of March 6, 1861 (12 Stats., 1171), they ceded to the United States, for the use of the Sac and Fox of the Missouri Indians, a portion of the reservation as reduced by the treaty of 1854.

A portion of the Iowa tribe, becoming dissatisfied from some cause, wandered into the Indian Territory in 1878 or 1879 and located near the Sac and Fox of the Mississippi Reservation.

In 1881 their number was reported as forty-seven.

In 1883 their number was reported as eighty-eight. It, being anticipated that all or nearly all of the tribe would eventually remove to the Territory, a reservation was set apart for them by the Executive order of August 15, 1883, as stated in my report of the 5th instant. For this reservation no consideration was paid, either directly or indirectly, either by the Iowa tribe or any members thereof.

The Iowas in the Indian Territory have always shared pro rata with their brethren in Kansas and Nebraska in the annuities due the tribe under treaty stipulations, payment being made to those in the Territory, for the past seven or eight years at least, at the Sac and Fox Agency, Indian Territory.

As stated in office report of the 5th instant, it is believed that the rights of the Iowas in the Territory in the tribal lands in Kansas and Nebraska are fully protected in the act of March 3, 1885. It is also believed they will share in the proceeds that may be derived from the sale of such lands, if they shall be sold.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Referred to the Assistant Attorney-General.

Do not the facts here stated affect the right of any other Iowas than those on the Indian Territory reservation to any participation? Have any of them any other right that the Government chooses to concede?

J. W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, June 23, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference of a further communication from the honorable Acting Commissioner of Indian Affairs, dated June 12, 1890, in response to your inquiry as to the disposition of the reservation in Kansas and Nebraska for the Iowa tribe of Indians; also as to the consideration paid for the Iowa Reservation in Oklahoma Territory, established by Executive order. The Acting Commissioner reports that no disposition has been made of said Kansas and Nebraska reservation under the provisions of the acts of Congress approved March 3, 1885 (23 Stats., 351), and January 26, 1887 (24 Stats., 367), for the reason that no sufficient surveys have been made of said land, and hence it has been impossible to make allotments and ascertain who of said Indians would remain and who would remove to said reservation in the Oklahoma Territory.

He also reports that said reservation in Kansas and Nebraska was established by the treaty of September 17, 1836 (7 Stats., 511), covering two hundred sections of land; that by treaty of May 17, 1854 (10 Stats., 1069), the Iowas ceded to the United States all of said reservation except a certain part designated therein; that by the treaty of March 6, 1861 (2 Stats., 1171), they ceded to the United States for the use of the Sacs and Foxes of Missouri a certain portion of their reservation as diminished by said treaty of 1854; that in 1878 or 1879 a part of said Iowa tribe of Indians went into the Indian Territory and located near the Sacs and Foxes of the Mississippi Reservation; that the number of said Iowas, estimated at forty-seven in 1881, increased to eighty-eight in 1883, and upon the expectation that nearly all of the tribe would ultimately remove to said Territory, a reservation was set apart for them by Executive order dated August 15, 1883; that the Iowas in Kansas and Nebraska and upon said reservation established by said Exective order have always shared equally in the annuities due the tribe under treaty stipulations; that "the rights of the Iowas in the tribal lands in Kansas and Nebraska are fully protected in the act of March 3, 1885," and "that they will share in the proceeds that may be derived from the sale of such lands."

By said reference the following question is asked:

Do not the facts here stated affect the right of any other Iowas than those in the Indian Territory reservation to any participation? Have any of them any other right than the Government chooses to concede?

Your inquiry involves the question (1) whether any of the Iowa Indians have a *right* to lands in said reservation in the Indian Territory, or in the proceeds from the sale thereof, except as a gratuity from the Government, and (2) whether the Iowa Indians in Kansas and Nebraska, not on said reservation, are entitled to share in the funds arising from the sale thereof. These questions were partly considered in my opinion of June 9, 1890. To answer said questions satisfactorily, necessitates a careful examination and consideration of the several treaties made with said tribe of Indians, the acts of Congress, and the departmental action relative thereto.

By Article II of the treaty of September 17, 1836 (7 Stats., 511), the United States, "for a permanent home on which they could settle," assigned "to the Iowa tribe and Missouri band of Sacs and Foxes the small strip of land on the south side of the Missouri River lying between the Kickapoo northern boundary-line and the Grand Nemaha

River, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemaha, making four hundred sections, to be divided between the said Iowas and Missouri band of Sacs and Foxes, the lower half to the Sacs and Foxes, the upper half to the Iowas."

On May 17, 1854, articles of agreement were executed by said tribe of Iowa Indians and a duly authorized commissioner of the United States, and by the first article thereof the Iowas ceded to the United States "all their right, title, and interest in and to the country, with the exception hereinafter named, which was assigned to them by the treaty" of September 17, 1836. The exception above mentioned embraces a certain tract designated by metes and bounds, which the treaty provides "shall be the future and permanent home of the Iowas." Articles II and III of said treaty provide for the sale of the ceded land and the payment of the proceeds thereof to the Iowa Indians." Provision is made by Article VI for the division of the reserved lands and assignment thereof to "each person or family" under the direction of the President. By Article XIII it is provided that—

> The President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them, or Congress may hereafter make such provision by law as experience shall prove to be necessary." (10 Stats., 1069.)

By the treaty of March 6, 1861 (12 Stats., 1171), the Sacs and Foxes of Missouri ceded to the United States "all their right, title, and interest in and to the lands within their present reservation." The second article provided for the survey and sale of said lands under the direction of the Secretary of the Interior, and also the disposition of the proceeds thereof. By Article III of said treaty—

> The Iowa tribe of Indians, parties to this agreement, hereby cede, relinquish, and convey to the United States for the use and benefit of the Sacs and Foxes of Missouri for their permanent home, all that part of their reservation lying and being west of Noheart's Creek and bounded as follows:
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> * * * * * * *
>
> And it is hereby understood and agreed that in full consideration for said cession the United States shall hold in trust for the use and benefit of the Iowas the one-half net proceeds of the sales of the lands described in the second article of this agreement, and interest thereon at the rate of 5 per centum per annum shall be paid to the Iowa tribe in the same manner as their annuities are paid under the treaty of May 17, 1854. (10 Stats., 1069). The reservation herein described shall be surveyed and set apart for the exclusive use and benefit of the Sacs and Foxes of Missouri, and the remainder of the Iowa lands shall be the tribal reserve of said Iowa Indians, for their exclusive use and benefit.

It appears from the report of the Indian agent in charge, dated August 16, 1883, that the "Iowas and Sac and Fox of Missouri" had been agitating the question of moving to the Indian Territory for some time, and at their request permission was granted by the Department by letter dated March 9, 1883, to send delegates to select homes in the Indian Territory upon the condition "that all the Indians at the Great Nemaha agency belonging to the said tribes should remove to the Indian Territory;" that, with the exception of a few, the Indians concluded to remain upon their present reservations, until about the date of said report, when having been visited by two delegates from the Indian Territory, the Indians were again agitating the question of removal and "a large majority are expressing desires to join their tribes in the Indian Territory." (Rep. Com. Ind. Aff. 1883, p. 93.)

On August 15, 1883, the President, by executive order set apart a reservation in the Indian Territory "for the permanent use and occu-

pation of the Iowa and such other Indians as the Secretary of the Interior may see fit to locate thereon." (Rep. Com. Ind. Aff. 1883, p. 223.)

It was the expectation of the Indian Office that when said reservation was established all of the Iowas would remove thereon. (Letter Commissioner of Indian Affairs to the Secretary of ihe Interior, April 3, 1885.) This was the express stipulation in said departmental order allowing the use of tribal funds to pay the expenses of the delegates sent by the tribe to the Indian Territory to select homes for the Indians. It was also anticipated that the reservation in Kansas and Nebraska would ultimately be sold "when that portion of the tribe in the Indian Territory will be joined by their brethren from those States, making the number of Iowas some 220." This was stated in the report of the Commissioner of Indian Affairs dated July 30, 1883, submitting to the Department the draft of the executive order establishing said reservation. (Letter Commissioner of Indian Affairs, July 30, 1883.) Provision was made for the sale of the Sac and Fox Iowa Indian reservations in Nebraska and Kansas by the act of March 3, 1885 (23 Stats., 351). The first section authorized the Secretary of the Interior "with the consent of a majority of the chiefs, headmen and male adults of the Sac and Fox (of the Missouri) tribe of Indians and the Iowa tribe of Indians expressed in open council by each tribe," "to cause to be surveyed if necessary and sold the remainder of the reservations of the Sac and Fox and Iowa Indians lying in the States of Nebraska and Kansas." The lands were to be appraised in tracts of forty acres each. By section 2 it was provided "that after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same * * * at public sale, to the highest bidder."

Provision is also made for the appraisement separately of the improvements made upon such lands by any Indian or for the United States, and also fixing the minimum price at eight dollars per acre, and limiting the sales to actual settlers, or such as intend to become such, in quantity not exceeding 160 acres, and also providing for payments in installments and the issuance of patents upon receipt of all the payments by the purchaser. Section 3 provides that—

> If any member of said Sac and Fox or Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale as provided for herein, and the Secretary of the Interior shall cause a certificate to issue to the person so electing as follows: If he be the head of a family, to 160 acres of land, and if a single man, to 80 acres of land, the lands so selected to include his improvements, and to be accepted in full satisfaction of his interest in and to the said reservation and of the moneys or fund realized from the sale thereof.

It was further provided that said certificates were to hold the title in trust for twenty-five years, when patents were to be issued to the Indians conveying the fee in discharge of the trust, and of all incumbrance whatever. Section 4 provided that each Indian shall be paid for his improvements, and that the proceeds of the sales of the improvements of the United States and the proceeds of the sale of said lands shall be deposited in the Treasury of the United States, and the income thereof "shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior." Section 5 provides that—

> The Secretary of the Interior may, with the consent of the Indians expressed in open council, as aforesaid, secure other reservation lands upon which to locate said Indians cause their removal thereto, and expend such sums as may be necessary for their comfort and advancement in civilization.

By section 6 it is provided that—

The President of the United States be, and he is hereby authorized to cause patents to be issued to the Sac and Fox (of the Missouri) tribe of Indians and the said Iowa tribe for the reservations that may be selected for them under the provisions of the preceding section.

Section 7 provides for the issuance of trust patents to said tribes for the reservations selected for them under the provisions of said section 6.

Section 8 provides that—

Whenever the Indians who may be properly residing upon the reservations referred to in the last preceding section shall desire allotments of lands in severalty the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, 160 acres; to each single person over the age of twenty-one years, 80 acres; to each minor, 40 acres.

Section 10 provides that—

The Secretary of the Interior may, with the consent of the Indians expressed in open council, as provided in section 1, cause the removal of that portion of the Sac and Fox and Iowa tribes residing upon said Sac and Fox and Iowa reservations in Nebraska and Kansas to the reservations that may be secured for them,

and an appropriation of $10,000 was made for the payment of the expenses of removal of said Indians, appraisement, and sale of the lands, which was to be re-imbursed to the United States out of the first proceeds of the sale of said lands. The third section of said act of 1885 was amended by the act of January 2 :, 1887 (24 Stats., 367), changing the amount of allotment, so as to give to each Indian of said tribes—

If he be the head of a family, 160 acres; if a single person over eighteen years of age, or orphan child under eighteen years of age, 80 acres; and if a minor child under eighteen years of age, 40 acres. The land so selected shall be held from sale as provided herein, and shall be accepted at their fair valuation, to be ascertained by the Secretary of the Interior, in part satisfaction of his interest in and to said reservation, and of the moneys or fund realized from the sale thereof. *Provided,* That his right to share in the other funds and credits of the tribe shall not be impaired thereby.

On April 4, 1885, Acting Secretary Muldrow advised the Commissioner of Indian Affairs that he approved his suggestion relative to holding a council with the Sacs and Foxes of Missouri to learn if they will accept the provisions of the act of March 3, 1885, and "that the Iowa Indians be informed that if they so desire they can be located on the present Iowa reservation in the Indian Territory, and that a patent therefor will be made to the Iowa tribe of Indians, less a sufficient quantity of land for the Tonkawas now located there." (Vide Letters on Ind. Afl., March 11 to June 12, 1885. p. 270.)

This was communicated to the Iowa Indians July 31, 1885 (Ex. Doc. 70, 49th Cong., 1st sess., p. 8).

It appears from letter to you from the Commissioner of Indian Affairs of June 5, 1890, that councils of said Indians were held both in Nebraska and Kansas and in the Indian Territory in July and August, 1887, by Inspector Gardner, of the Indian Office, and the ratification of said acts was secured as required by the terms thereof. The reservation in Nebraska and Kansas has not been allotted or sold, as provided in said acts, for the reason that no sufficient surveys thereof have yet been made.

On August 15, 1889, Acting Secretary Chandler advised the Commissioner of Indian Affairs that he concurred in the opinion expressed in his "letter of the 10th inst." that—

It is not necessary for those of the Iowa tribe of Indians who desire to remove to the Indian Territory to remain on their reservation in Kansas until the lands are alloted to those who take lands thereon under the act of January 26, 1887, (24 Stats.,

367). As these Indians have consented to the sale of their reservation in Kansas in accordance with the terms of the act of March 3, 1885 (23 Stats., 261), some arrangement should be made by your office for the removal to the Indian Territory of those who elect to remove, and they should be removed in a body and settled in their homes, provision for which is made by the 10th section of said act of March 3, 1885. (Vide letters on Indian Affairs from July 24, 1889, to October 7, 1889, p. 318.)

Upon verbal inquiry it is ascertained that on November 15, 1889, the Commissioner of Indian Affairs advised the Indian agent relative to the removal of the Iowas, and "that no further action should be taken in the matter until allotments have been made or until further instructions shall have been received."

In my judgment, every Iowa Indian upon the Nebraska and Kansas reservation has the right secured to him by the express provision of said acts of 1885 and 1887 to go to a reservation to be secured for him. Provision was made in said acts for other reservations upon which to locate said Indians, and that provision is just as binding upon the Government in equity as though it had been made by treaty. The Cherokee Tobacco (11 Wall., 621). With the understanding that they should have another reservation, they consented to the terms of the acts of 1885 and 1887, and this is a sufficient consideration to entitle them to a property right in the Indian Territory reservation, or to some other reservation to be provided in accordance with these acts of Congress. They were not required to pay anything for it, but they were guarantied the right to elect either to take allotments in Kansas and Nebraska or go to a reservation to be secured for them. An appropriation was made by said act of 1885 for their removal "to the reservation or reservations that may be secured for them," and the care and duty of such removal, even in the absence of legislation as to the manner, has always devolved upon the General Government (Fellows *vs.* Blacksmith, 19 How., 370). It is no fault of the Indians that they have not exercised the choice indicated in said act.

The previous action of the Department in dealing with Iowa Indians on both reservations as members of one tribe, the express provision in section 3 as amended "that his right to share in the other funds and credits of the tribe shall not be impaired thereby," in addition to the fact that each Indian on the Nebraska and Kansas reservation was given the right under said acts and the ruling of the Department to go upon said reservation in the Indian Territory and have an allotment as therein provided, forces my mind to the conclusion that all of said Iowa Indians have equitable rights in the reservation in the Indian Territory which should be considered. If they are denied any right in the present reservation by Congress they should be protected in some other way. The construction of said acts must be liberal. As was said by Chief-Justice Marshall in the case of Worcester *vs.* The State of Georgia (6 Peters, 582):

> The language used in treaties with the Indians shall never be construed to their prejudice, if words be made use of which are susceptible of a more extended meaning than their plain import as connected with the tenor of their treaty.

It may also be observed that the act of March 2, 1889 (25 Stats., 1005), providing for the appointment of the Cherokee Commission, makes provision for a negotiation "with the Cherokee Indians, and all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind and character in and to said lands." Words more apt could not have been chosen to express the intention of the legislative will, that said commission should negotiate

for every kind of claim, legal or equitable, of any Indians to the lands lying within the limits designated by the act. Congress evidently intended that there should be no claim omitted in the negotiation by the commission, and to my mind it would be inequitable to place the Indians of Nebraska and Kansas upon any different status than they would have occupied if the provisions of said acts of 1885 and 1887 had been fully executed by the Government.

The policy of Congress is plainly indicated in the general allotment act of February 8, 1887 (24 Stats., 388), wherein no distinction is made between reservations created by treaties or acts of Congress and those made by executive order; but it is expressly provided that "the purchase money shall be held in the Treasury of the United States for the sole use and benefit of the tribe or tribes of Indians to whom such reservations belonged."

In my opinion each member of the tribe has an interest in the funds of the tribe, and as the Iowa Indians on the reservation in the Indian Territory have an interest in the fund derived from the sale of the reservation in Nebraska and Kansas, it would seem but simple justice that those in Nebraska and Kansas should be permitted to go upon said reservation and share in the proceeds of the sale of the reservation in the Indian Territory. If, however, it should be deemed impracticable, in view of the fact that they have never lived on the Indian Territory reservation, and that it was set aside by Executive order before the passage of said act of 1855 providing for "other reservation lands," or for any other reason, to recognize their rights in this specific tract of land, Congress, to which this agreement must be referred for ratification, having jurisdiction of the whole subject, will no doubt protect their rights. Under the treaty of 1866 with the Cherokees Congress can settle friendly Indians on the Cherokee Reservation either east or west of the ninety sixth parallel (Articles XV and XVI, 14 Stats., 803). So that Congress may yet provide a reservation in the Indian Territory for those Iowa Indians who do not wish to take allotments under the act of 1885 in Kansas and Nebraska, or it may recognize their rights in the present Iowa Reservation set apart by Executive order in 1883. The Supreme Court, in the case of the Choctaw Nation *vs.* United States, speaking of the Indians, says:

> From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises a duty of protection, and with it the power. This has always been recognized by the Executive and by Congress and by this court whenever the question has arisen (119 U. S., 27).

The papers submitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

O

51ST CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 172.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

An agreement between the Cherokee Commission and the Sac and Fox Indians in the Indian Territory.

JULY 3, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

In compliance with the provisions of section 14 of the act of March 2d, 1889, I transmit herewith, for the consideration of Congress, an agreement concluded between the commissioners appointed under that section on behalf of the United States, commonly known as the Cherokee Commission, and the Sac and Fox Nation of Indians in the Indian Territory, on the 12th day of June last.

The Sac and Fox Nation have a national council, and the negotiation was conducted with that body, which undoubtedly had competent authority to contract on behalf of the tribe for the sale of these lands. The letter of the Secretary of the Interior and the accompanying papers, which are submitted herewith, furnish all the information necessary to the consideration of the questions to be determined by Congress.

The only serious question presented is as to that article of the agreement which limits the distribution of the funds to be paid by the United States, under it, to the Sac and Fox Indians now in the Indian Territory. I very gravely doubt whether the remnant or band of this tribe now living in Iowa has any interest in these lands in the Indian Territory. The reservation there was apparently given in consideration of improvements upon the lands of the tribe in Kansas. The band now resident in Iowa, upon lands purchased by their own means, as I am advised, left the Kansas reservation many years before the date of this treaty and, it would seem, could have had no equitable interest in the improvements on the Kansas lands, which must have been the result of the labors of that portion of the tribe living upon them. The right of the Iowa band to a participation in the proceeds of the sale of the Kansas reservation was explicitly reserved in the treaty, but it seems to me, upon a somewhat hasty examination of the treaty, that the reservation in the Indian Territory was intended only for the benefit of those who should go there to reside. The Secretary of the Interior has expressed a somewhat different view of the effect of this treaty, but if the facts are, as I understand, that the Iowa band did not contribute to the improvements which were the consideration for the reservation, and

did not accept the invitation to settle upon the reservation lands in the Indian Territory, I do not well see how they have either an equitable or legal claim to participate in the proceeds of the sale of those lands.

The whole matter is submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 2, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1890.

The PRESIDENT:

The articles of agreement made between the Sac and Fox Nation in the Indian Territory and the Cherokee Commission June 12, 1890, with the accompanying report, were duly received in this Department on June 17, and, although their arrival was immediately announced to you, they were detained for consideration as to the form and validity thereof.

The subject can be best submitted to you by giving you an abstract of the agreement first, with a statement of the manner of its execution and some statistics relating to the different portions of the Sac and Fox tribe, one in the Indian Territory and the other on their own lands in Iowa.

By the first article of the agreement the Sac and Fox Nation cedes its reservation in the Indian Territory, which is described accurately in the article, reserving a quarter section of land, on which is located the Sac and Fox Agency, with the right to sell the same under the approval of the Secretary of the Interior, saving the rights of the United States, and the persons located thereon; also reserving a section of land held for schools and farms, subject to certain provisions set forth therein, but not deemed necessary to mention here.

By the second article of the agreement the United States agrees to give each citizen of the Sac and Fox Nation in the Indian Territory an allotment "in square form."

A peculiar feature of the allotment is that it is to be held for twenty-five years in trust as to 80 acres, and as to the other 80 only five years, or if the President consent for fifteen years, at the expiration of which period patents are to issue in fee.

For the cession on these terms the United States is to pay said nation the sum of $485,000, provided the allotments shall not exceed 528; otherwise there shall be deducted the sum of $200 for each allotment in excess. The $485,000 are to be paid as follows: $300,000 into the Treasury of the United States to the credit of the Sac and Fox Nation, and to bear interest at the rate of 5 per cent. per annum, due each year on the 1st of March; $5,000 to be paid the Indian agent at the Sac and Fox Aagency; the money to be used under the direction of the National Council of said nation; the residue is to be paid in currency to the citizens of the Sac and Fox Nation per capita at their agency within three months after the ratification of the agreement by Congress; each person over the age of twenty-one years and each married person, whether twenty-one years of age or not, to receive and receipt for his or her share. It is also stipulated that the Sac and Fox agent shall retain and pay out the share of any insane or imbecile citizen for the necessary support or improvement of his or her land.

Shares of orphan children under twenty-one years of age and unmarried shall be retained in the Treasury of the United States until marriage or majority; or, if the council deem a child capable of taking care of his or her money and make an order, it shall be paid at the next ensuing annuity payment to such person, it being the purpose that no money shall pass under the control of a guardian appointed by State or Territorial authority.

It is also provided that none of the money shall be applied to the payment of any claims preferred against the Sac and Fox Nation alleged to have accrued before the ratification of this agreement.

By article V it is provided that a sufficient corps of agents shall be sent to the Sac and Fox Agency, as soon as practicable after the agreement is ratified, to make allotments; that they shall give notice in writing to the principal chiefs, and the Indians shall have four months to complete their allotments, at the end of which time the Indian agent for the time being should make the selections for such persons as shall have failed to take allotments, and when these allotments are so made then the rest of the tract of country shall, so far as the Sac and Fox Nation is concerned, become public lands of the United States.

It is also agreed that the Indians having improvements shall have the preference of the lands on which they are for their allotments. By the seventh article it is provided that the beneficiaries under the agreement shall be limited to those persons whose names are now on the roll as Sacs and Foxes at said Sac and Fox Agency, and to those that may be born to them, and those entitled by law and custom of the Sac and Fox Nation to go upon said roll before the allotments are made, as well as those that may be adopted into the nation according to law, by the National Council before the allotments are made.

There is no question in regard to the authority of the National Council of the Sac and Fox Indians to have made this agreement; nor is there any defect in form save that the date of the day in June is omitted in the caption of the articles but may be supplied, it is considered, sufficiently from the resolution of the National Council, which is a part of the agreement, and states in its body that the date of the agreement is the 12th day of June.

A QUESTION OF LAW.

The legal question that arises in connection with this agreement is what interest, if any, has that portion of the Sac and Fox tribe living in Iowa to the reservation sold by the National Council of the Sac and Fox Indians on the reservation in the Indian Territory. There are 528 of these Indians in the Indian Territory and 393 in Iowa. The latter have purchased with their own money—the proceeds of their ponies, in part at least—1,258 acres, which they own in fee-simple and by the same right that white men own their property. There is a portion of the Sac and Fox Indians in Kansas, but they have no interest in the property in the Indian Territory.

This question is carefully and fully discussed in the opinion of the Assistant Attorney-General, herewith transmitted, and in whose conclusions I concur.

It would seem that the agreement made by the Cherokee Commission has been well executed on both sides by those having full authority; but that clause limiting the benefits of the contract to the Sacs and Foxes in the Indian Territory must be held inoperative and the same should be ratified only upon condition that all of the members of the

tribe in the Indian Territory and Iowa should be entitled to participate in the proceeds of the lands.

The Indian Territory reservation was given to the tribe in consideration of the improvements in which the Iowa branch were equitably interested, having been made from the proceeds of the sale of lands held by the tribe in common, and their interest therein ought not to be diverted to others without their consent.

Congress has jurisdiction of the whole subject, and its ratification of the agreement should require the modification here suggested.

Most respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 19, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of June 17, 1890, transmitting an agreement, recently made by the Cherokee Commission with the Sac and Fox Nation of Indians in Indian Territory, under authority of the fourteenth section of the Indian appropriation act approved June 13, 1889 (25 Stats., 1005), and in compliance with your directions to immediately consider and report to you my opinion as to the sufficiency of its form and validity in law, with such remarks as the subject may seem to me to require, I would respectfully state that I have examined said agreement and the report of the commission accompanying the same and beg leave to submit the following observations and suggestions relative thereto.

(1) The date of the agreement is incomplete in that the day of the month upon which it was executed is omitted. However the resolution of the National Council of the Nation ratifying and confirming the agreement, and which is attached to and made a part thereof, sets forth that the agreement was executed on the 12th day of June, 1890.

(2) It is provided in section 2 that the allotments to the Indians, which are to be 160 acres in extent, to men, women, and children alike, shall be taken "in square form" to conform to the legal surveys. This is contrary to the general custom in allotting lands to Indians, and in the disposition of the public lands to white settlers. The practice is to allow Indians in selecting lands for allotment to select their tracts in form as best suits their wishes, provided only that the tracts selected shall conform to the legal subdivision of the surveys. I believe the same is true as regards the disposition of the public lands under the homestead and other land laws, a further requirement being that the lands shall be contiguous. However, as it is expressly provided in the agreement under consideration that the Indians may select their lands for allotment anywhere within the reservation limits, it is not thought that the Indians will be placed to any serious disadvantage by being required to select their tracts in square form, and it is presumed that the matter was discussed before the requirement was agreed to by the Indians and that they gave their consent intelligently.

(3) Section 3 provides that 80 of the 160 acres allotted to each Indian shall be held in trust by the United States for the period of twenty-five years for the sole use and benefit of the allottee or his heirs, and that the remaining 80 acres shall be so held in trust for five years, "or, if the President will consent, for fifteen years." There is a restriction

against alienation in the case of orphan children "until he or she shall have arrived at the age of twenty-one or shall marry," but no restriction as to alienation is made in the case of minor children who are not orphans, in respect of the 80 acres to be held in trust for five or fifteen years. It is not seen why the restriction should not have been extended to all minor children if deemed necessary in the case of orphans, as it appears to have been.

Article IV (paragraph 4) provides, in the matter of the distribution of the per capita cash payments therein stipulated for, that each person over the age of twenty-one years, and each married person whether twenty-one years of age or under, shall receive and receipt for his or her share thereof. It is also stipulated as to what disposition shall be made of the shares of imbeciles and orphan children, which provision appears to be satisfactory, but it does not provide as to who shall receive and receipt for the shares of minor children other than orphans. It is presumed, however, that the parents will receive and receipt for, according to custom in such cases, the shares of their minor children.

Article IV (last paragraph) also provides that no part of the compensation money ($485,000) shall be applied in payment of any claim preferred against the said Sac and Fox Nation alleged to have accrued prior to the ratification of the agreement.

A hurried examination of the records of this office shows that there are a few, perhaps ten or twelve, depredation claims against the Sac and Fox tribe of Indians, one of which it was noticed, is about seventy years old.

Whether these claims or any of them are against the Sacs and Foxes of the Mississippi the records as far as examined do not disclose. The total amount of all of these claims does not I think exceed $10,000 and the consideration this office has heretofore given them has been generally unfavorable.

Article VII of the agreement confines the benefits arising therefrom absolutely to those persons whose names are now on the roll as Sacs and Foxes at the Sac and Fox Agency, and to those that may be born to them and entitled by the laws and customs of said Sac and Fox Nation to go upon said roll before said allotments are made, and to those that may be adopted into said nation according to law by the National Council, before said allotments are made.

The effect of this provision would be to deprive the Sacs and Foxes, of Iowa—who number according to the last census 393 souls, being only 63 less than one-half of the entire membership of the tribe—of all benefits arising under the agreement, and to which in the opinion of this office they are rightfully entitled to the extent of their proportionate share.

By your direction, I telegraphed the chairman of the Cherokee Commission (Hon. David H. Jerome), June 6, 1890, which was six days before the agreement was executed, calling his attention to the claim of the Sacs and Foxes, of Iowa, to an interest in the Sac and Fox Reservation in the Indian Territory, and advising him that his claim was under investigation, and that until the result of such investigation was communicated to him it would not be wise to conclude any agreement ignoring their interest.

The full text of the dispatch was as follows:

Sac and Fox Indians in Iowa claim interest in Sac and Fox Reservation in Indian Territory. Their claim is now being investigated. Until result of investigation is communicated to you, which will be in a day or two, it will not be wise to conclude any agreement ignoring their interest.

In a note accompanying your letter referring the agreement to me for examination, you inquired whether this office had any evidence showing that the above dispatch had been received by Mr. Jerome; whereupon (June 17, 1890) I telegraphed the Indian agent at the Sac and Fox Agency, Indian Territory, Samuel L. Patrick, as follows:

Was office telegram of 5th instant, to David H. Jerome, of Cherokee commission, delivered and when? Answer quickly.

No reply has yet been received from Agent Patrick, but you were pleased to refer to me this morning a lengthy telegram from Chairman Jerome, himself, dated yesterday (the 18th inst.), in which he acknowledges the receipt of my telegram of June 5 (he refers to it as the "6th" of June, and says he received it on that day, and states that before it was received the details of the contract (with the Sacs and Foxes) were agreed upon, that the commissioners expected another dispatch from this Department, and held the council open until the night of June 12, when, no further word coming to them, they closed the contract rather than abandon the negotiations.

The following is the exact text of the telegram in so far as it relates to the negotiations with the Sacs and Foxes:

We received Belt telegram June 6; that day, but before telegram was received details of contract were agreed upon. The telegram said "their claim is now being investigated. Until result of investigation is communicated to you, which will be in a day or two, it will not be wise," etc. We expected another dispatch stating with certainty what in the first was suggested as possible. We held contract open until night of June 12; no further word came, we closed the contract rather than abandon the negotiation. Again, we did not know what force Belt telegram was intended to have. We construed it as a suggestion at most advisory. The obnoxious provision in contract was necessary, indispensable to trade. We knew nothing of the Lamar decision quoted from the Belt letter, but from treaties could not conclude, and would not now but for said decision that the Iowa Sacs did acquire any interest in the new reservation down here. The consideration for present reservation was improvements on old reservation, but when treaty was made in 1868 the Iowa Sacs had been for a long time in Iowa. They got their share of price of old reservation. The improvements not belonging to Iowa, Sacs bought the present reservation. The Iowa Sacs now constitute no part of the said nation, have no voice in the management of its affairs or representation in the National Council. We were at the seat of government, dealt with the only authorities recognized by the United States at the only place, where, by the treaty the business could be done. Now, if the properly constituted authorities agree to sell for a price, it is a valid sale. It passes title and fixes the only price they can receive; but if the authorities, and they must act for Iowa Sacs as well as themselves, insert a proviso that does not conserve the interests of all, but attempts to appropriate to a part that which belongs to the whole, is not the proviso alone inoperative? If contract so made is ratified how could it affect the rights of Iowa Sacs. The National Council must act for all. There is no other authority in the nation. If this contract is not ratified, we feel certain that it can not be modified and the negotiation of a new one is far in the future.

The views of this office touching the claim of the Sacs and Foxes, in Iowa, to an interest in the reservation of the tribe in Indian Territory, are set forth in a memorandum accompanying my letter to the Department of June 6, 1890. I see no reason to recede from or modify my views as therein expressed, and I feel satisfied that if the present agreement shall be allowed to stand as it is and be accepted and ratified by Congress, the Sacs and Foxes in Iowa will demand satisfaction for their interest in said reservation. Final action on such demand may be delayed and postponed, but I feel that justice to these Indians will ultimately require its favorable consideration, and if their claim is not recognized now its future recognition will, I believe, result in the payment by the Government of an additional sum for the land acquired under the agreement equal at least to the value of the share claimed by the Sacs and Foxes in Iowa.

In conclusion, I will add that if the Department shall conclude to submit the present agreement to Congress for ratification, this office will upon indication of such purpose prepare the necessary copies of the agreement and report of the commission for transmittal to that body.

The agreement and report are herewith returned.

Very respectfully, your obedient servant.

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, June 23, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference of the 20th instant, of the articles of agreement entered into by the Cherokee commission with the Sac and Fox Nation of Indians on June 12, 1890, the report of said commission transmitting the same, and the report of the honorable Acting Commissioner of Indian Affairs thereon, dated the 19th instant, in compliance with your directions contained in letter dated the 17th instant, referring said agreement and report for his consideration. By said reference my opinion is requested "upon the validity of this contract as to form and substance."

The honorable Acting Commissioner calls attention to the omission in the body of the agreement of the day of the month upon which it was executed, but he concludes that this is not material, for the reason that the proceedings of the National Council attached to and made a part of said agreement, show that it was executed on the 12th day of June, 1890. There can be no doubt of the date of the execution of said agreement, when all the proceedings which form a part thereof are considered, and the agreement is not, in my opinion, invalid on account of said omission.

The report from the Indian Bureau calls attention to the fact that the allotments to the Indians provided for in the second article of the agreement are to be in quantity of 160 acres "to men, women, and children alike," and must be taken "in a square form," which requirement as to form is contrary to the usual practice of allotting lands to Indians, or the disposition of the public lands of the United States under the settlement and other land laws, which only require that the legal subdivisions of the lands entered shall be contiguous. This requirement as to the form of the allotment, while not applicable to the general homestead law, has been inserted in special legislation, notably section 13, act of March 2, 1889 (25 Stats., 1005), and I see no valid objection thereto.

Serious objection, however, is urged by the Indian Bureau to Article VII of said agreement, which limits the "beneficiaries of this agreement to those persons whose names are now on the roll as Sacs and Foxes at the Sac and Fox Agency, and those that may be born to them and entitled by the laws and customs of said Sac and Fox Nation to go upon said roll before said allotments are made, and those that may be adopted into said nation according to law by the National Council before said allotments are made."

This article, in the opinion of the Acting Commissioner, has the effect of depriving the Sacs and Foxes of Iowa (who, numbering 393 accord-

ing to the last census, lacking only 63 of being one-half of the whole tribe) of any of the benefits under said agreement, and to which, in the opinion of the Indian Bureau, as set forth in memorandum dated June 6, 1890, they are justly entitled.

As to the form of the agreement, no serious objection is apparent; but to determine whether the agreement is valid or not requires an examination of the provisions of the treaties, acts of Congress, and action of the Department relative to said tribe of Indians, and their rights in and to said reservation. In other words, the validity of said agreement depends, primarily, upon the competency of the parties thereto to make it, and to bind all parties in interest to its provisions.

There can be no question, I think, of the authority of the commission under the provisions of section 14 of the act of Congress approved March 2, 1889 (25 Stats., 1005). They are "to negotiate with the Cherokee Indians, and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President, and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same, for ratification."

No suggestion or limitation is made as to the negotiation with any of the "other Indians," and there is only the proviso that the proposition shall be made to the Cherokees to treat upon the same terms as were offered and accepted by the Creek Indians in an agreement ratified by Congress on March 1, 1889 (25 Stats., 757). But the more serious questions arise (1) whether the Iowa Sacs and Foxes have any "title, claim, or interest" of any "kind or character" to the lands covered by said agreement, and (2) if so, whether the "Sac and Fox Nation in the Indian Territory" have the authority to dispose of such claim so as to bind the Sacs and Foxes in Iowa?

A large portion of country in Wisconsin, Iowa, and Missouri was formerly possessed by the Sacs and Foxes of the Mississippi, and was from time to time ceded under the provisions of various treaties made with them from an early date. Under treaty of October 11, 1842 (7 Stats., 596), they were removed to a reservation within the present limits of Kansas.

By Article I of the treaty of October 1, 1859 (15 Stats., 467), a portion of said reservation, containing about 153,600 acres, was set apart to be allotted in severalty to the individual members of the Sacs and Foxes of the Mississippi, giving (Article II) to each member thereof, without distinction to age or sex, 80 acres; and provision was made by Article IV for the sale, to the highest bidder, of the lands in their reservation, not reserved for allotment as aforesaid, "for the purpose of establishing the Sacs and Foxes of the Mississippi comfortably upon the lands assigned to them in severalty by building them houses, providing them with agricultural implements," etc.

Article V provides that out of the proceeds of the sale of said lands their debts should be paid; and Article VI provides that if there were not sufficient funds for those purposes arising out of the sale of those lands such "additional means as may be necessary therefor shall be taken from the money now belonging to them under former treaties."

Article VII provides:

The Sacs and Foxes of the Mississippi, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for

respecting their improvement and civilization, etc. * * * It is therefore agreed that * * * the Commissioner of Indian Affairs shall cause * * * them to be notified of this agreement and its advantages. * * * That those who do not rejoin and permanently re-unite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

By Article I of the treaty of February 18, 1867 (15 Stats., 495), the Sacs and Foxes ceded to the United States all the lands, with the improvements thereon, contained in their unsold portion of the diminished reserve defined in the first article of said treaty of October 1, 1859. And by Article II of said treaty of 1867 an additional cession was made to the United States of the lands, with the improvements thereon, then remaining unsold as provided in Article IV of said treaty of 1859. By Article VI of said treaty of 1867—

The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding 750 square miles in extent.

Provision was made by Article VII for the removal of said Indians as soon as practicable to the new reservation. Article IX provided that the Indians might form a national government and provided for the support thereof. By Article XIV it was agreed that—

The Sacs and Foxes of Missouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a part of their people, upon their contributing to the common fund such a portion of their funds as will place them on an equal footing in regard to annuities.

By Article XXI it was provided that—

The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren; and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands who do not permanently reside on the reservation set apart to them by the Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed that all moneys accruing from this or former tribes [treaties], now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency, on their lands as then located.

These Indians, under the provisions of Article III of the treaty of November 3, 1804 (7 Stats., 85), the second article of the treaty of October 21, 1837 (*id.*, 540), and the second article of the treaty of October 11, 1842 (*id.*, 596), were entitled to permanent annuities, being interest on proceeds of sales of lands ceded under said treaties, aggregating the sum of $51,000; and by the proviso to the Indian appropriation act approved March 2, 1867 (14 Stats., 507), it was enacted—

That the band of Sacs and Foxes of the Mississippi, now in Tama County, Iowa, shall be paid pro rata, according to their numbers, of the annuities, so long as they are peaceful and have the assent of the government of Iowa to reside in that State.

The reason for the location of said Indians in Iowa is stated by Indian Agent Hombert in his report, dated September 1, 1873, to have been on account of "the mortality that followed their removal" to their reservation in Kansas. He says:

By the sale of some of their ponies they were enabled to purchase and pay for a tract of land located in Tama County, Iowa, containing 419 acres, and by an act of the Iowa legislature they are permitted to remain in Iowa as long as they are peaceably disposed.

He also reports the number of said Indians then in Iowa at 335. (Rept. Com. Ind. Aff., 1873, p. 182.)

In the Indian appropriation act of Congress approved March 3, 1885 (23 Stats., 373), it was provided—

That hereafter the Sacs and Foxes of Iowa shall have apportioned to them, from appropriations for fulfilling the stipulations of said treaties, their per capita proportion of the amount appropriated in this act, subject to provisions of treaties with said tribes; but this shall apply only to the Sacs and Foxes now in Iowa; and provided further, that this shall apply only to original Sacs and Foxes now in Iowa, to be ascertained by the Secretary of the Interior.

It appears from the memorandum report of the Indian Office, dated June 6, 1890, that the number of Sacs and Foxes in Iowa, ascertained in accordance with said provision, was 317, in the Indian Territory 420, and in Kansas 113; total, 850; those in Kansas afterwards having been removed to the reservation in the Indian Territory.

On June 1, 1886, the Department (Mr. Secretary Lamar) considered the question of the distribution of the funds arising from treaty provisions with "the Sac and Fox tribe of Indians," and advised the Indian Bureau that—

The Sac and Fox Indians of the Mississippi, one of the parties to this treaty (February 18, 1867), include at present the three classes, viz: (1) Those now living on the reservation; (2) those living in Kansas; (3) those living in the State of Iowa. The treaty was made with the tribe, and all of the several bands or classes composing the tribe are bound by its provisions.

* * * * * * *

It was desired that all the tribe should participate in the advantages to be derived from the investment of their funds, sale of lands, etc., by joining their brethren on the reservation. In aid of this it was provided that no part of the fund should be paid to any band or parts of bands who do not reside on the reservation, except those residing in the State of Iowa.

To what extent then are the Sacs and Foxes living in the State of Iowa, excepted from the obligation of the treaty? Simply this: Their right to remain in the State of Iowa is recognized without forfeiting their right to share in the common fund. No bands or parts of bands who do not reside on the reservation shall be paid any part of said fund, except those living in the State of Iowa. This is the sole exception in their favor; but they are equally bound by the treaty stipulations, providing that from the common fund shall be deducted the amounts specified for the support of the school and national government. (Records Ind. Div., V. 45, pp. 367–8.)

The secretary therefore held that the common fund was subject to such deduction before being distributed per capita.

In 1884 the Sacs and Foxes in the Indian Territory made a grazing lease of part of the reservation for a term of ten years, for $4,000. The Iowa Sacs and Foxes claimed a share in the fund derived from said lease. The Sacs and Foxes in council assembled denied the right of the Iowa branch to any portion of said sum, for the reason that they are the sole owners of said reservation under the provision of article VI of said treaty of 1867; that Article IX of the same treaty recognizes the right of said tribe to have a national government; that there is no provision in any of the treaties with the United States whereby any part of said fund can be disbursed to any members of said tribe, except those on the reservation in the Indian Territory; and in conclusion they say:

That we will gladly divide our tribal benefits and privileges, also the revenue derived from our reservation, with our wayward brethren, if they will only return to this reservation and abide by the wishes of the Government and this people.

The Indian Office, April 11, 1885, replied to the position claimed by the Sacs and Foxes in the Indian Territory that the Department—

had never recognized or approved any grazing lease which they may have given on their lands, neither can it recognize any of the funds received therefrom. * * *

In view of the fact that both branches of the tribe have an equal right under the treaty of 1868 to a home on the reservation, it being given to them in consequence of certain valuable considerations relinquished by the tribe as a whole, and as Article XXI of said treaty expressly provides that the branch of the tribe residing in Iowa shall continue to receive their share of all funds *arising from* or due the nation under that or previous treaty stipulations, I am inclined to the opinion that any general national fund *such as the sale of the reservation would produce*, or as would arise from it through leasing it to outsiders for grazing purposes, should be shared in equally by every member of the nation included in the branch in Iowa and in the branch in the Indian Territory. (Memorandum report Indian Bureau, June 6, 1890, supra.)

The Sacs and Foxes held a convention at the Sac and Fox Agency in the Indian Territory, and on March 26, 1885, established a "Constitution of the Sac and Fox Nation." The preamble recites, among other things, that:

We, the people of the Sac and Fox tribe of Indians of the Mississippi in national council assembled, in order to extend the benefits of our national government, as provided for in section 9 of our treaty with the United States, proclaimed October 14, 1868 (1867), to establish justice, insure tranquility, promote the common welfare, and to secure to ourselves and our posterity the blessings of freedom, acknowledging with humility and gratitude the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring his aid and guidance in the accomplishment, do ordain and establish this constitution for the government of the Sac and Fox tribe of Indians of the Mississippi. to be called and known as the Sac and Fox Nation.

Article I establishes the boundaries of the lands of said nation, the same as those of the reservation provided for in said treaty of 1867, provides that the lands "shall remain common property," and forfeits the right of any citizen of said nation to the privileges of citizenship thereof who shall remove therefrom and "become a citizen of any other government." The second article of said constitution divides the powers of government into "three distinct departments, the legislative, the executive, and the judicial."

On February 12, 1887, this Department (Mr. Secretary Lamar) again considered the question of the proper distribution of funds due the Sac and Fox Indians under said treaty of February 18, 1867, and reaffirmed his said ruling of June 14, 1886 (supra), and also held that it was the duty of the Department "to ascertain who are the chiefs recognized as such by the tribe, and pay annually to each of the recognized chiefs of the tribe settled on the new reservation in the Indian Territory," under the provisions of the ninth article of said treaty, and decided that the chief of the Sacs and Foxes in Iowa was not entitled to $500 salary out of the fund for the support of their national government. (Records Ind. Div., V. 49, p. 130.)

Reference is also made to the fact that "the tribe has adopted a constitution," and that "the tribe should be encouraged after having proceeded so far in the inauguration of their national government provided for under the treaty, to take all proper steps necessary to put it into full operation." (Idem., p. 131).

Again, on January 14, 1890, a communication was addressed by you to the Honorable Daniel Kerr, member of the House of Representatives, in reply to a letter from him dated December 29, 1889, relative "to the wants of the Sac and Fox Indians of Iowa, wherein they claim that they are entitled to a full half of the annuity provided for in the treaty of 1842 (7 Stats., 596), and that their chief is a legitimate head of the Fox tribe, [and] he should receive one-half of the amount provided for the chiefs in that treaty; that they should receive their share of the money arising from the sale of the Sac and Fox Reservation in Kansas, and also that they are entitled to a share of the money arising from the rent of the pasture lands in the Indian Territory.

The proviso of said act of January 4, 1884, was quoted, and Mr. Kerr was advised that "This act gives the Sacs and Foxes of Iowa their per capita proportion of the $51,000 therein appropriated, and not one-half, or $25,500, which they claim." The rulings of Secretary Lamar (supra) were adhered to, and it was held that the proviso relative to the annual payment "to each of the recognized chiefs of the tribe settled on the new reservation in the Indian Territory," in effect "prohibits payment to a chief in Iowa;" "that the claim of the Sacs and Foxes in Iowa to a share of the money arising from the rent of the pasture lands of the Sacs and Foxes in the Indian Territory does not seem to be well founded, as this money is not derived from any appropriation for fulfilling treaty stipulations in which they are entitled to share, but it is a product arising from the lands occupied and accepted as the reservation by those who have removed to it in the Indian Territory." (Records Ind. Div. V. 63, pp. 175–6.)

From the foregoing necessarily lengthy recital of the record facts, it must be apparent that the National Council of the Sacs and Foxes in the Indian Territory represents the tribe, and was competent to contract with said commission for the sale of the Indian Territory reservation. The Iowa Sacs and Foxes have recognized its authority to act in regard to said lands by the repeated and persistent claim to the fund arising from the grazing privileges. They are in Iowa only by permission of the Government and the State of Iowa, contrary to the original treaty requirements, and the only exception from treaty obligation is, as stated by Mr. Secretary Lamar, "their right to remain in the State * * * without forfeiting their right to share in the common fund." Moreover, they have been urged by the Sacs and Foxes in the Indian Territory to come and live with them, and share all of the privileges of tribal relation with their brethren on the reservation in said Territory, which they have hitherto declined to do.

I am of the opinion that said agreement was executed by the proper parties. While this is true, it is apparent that the seventh article of said agreement and the provisions limiting the benefits of the contract to the Sacs and Foxes in the Indian Territory must be held to be inoperative, for the reason that, while the National Council of the Sacs and Foxes has the authority to dispose of said reservation, and in so far as the rights of the Iowa Sacs and Foxes are concerned it acts for them as part of the tribe, it does not follow by any means that it can stipulate that the Sacs and Foxes in the Indian Territory "now on the roll," etc., shall be the sole beneficiaries of said agreement. The Indian Territory reservation was given to the tribe in consideration of "improvements" in which the Iowa branch were equitably interested, being made with the proceeds of the sale of lands held by the tribe in common, and their interest therein ought not to be diverted to others without their consent. By express treaty provisions, as well as by statute, they were permitted to reside in Iowa without forfeiting their rights. Unquestionably the United States could have required the Iowa Indians to reside upon the reservation in Indian Territory and have enforced its commands. "These Indian tribes are the wards of the nation. They are communities dependent upon the United States. * * * The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection as well as to the safety of those among whom they dwell." (United States *v.* Kagama, 118 U. S., 384.)

Such being the relation of the Indian tribes to the United States, it will be quite unnecessary to cite authority to show that it is the duty

of the Government to see that the rights of "its wards" are fully protected and their best welfare fully subserved. This is not done in the provision embodied in the seventh article of said agreement, in my opinion.

I am therefore of the opinion (1) that said commission had authority to execute said agreement, subject to the approval of Congress; (2) that the National Council of the Sacs and Foxes had the authority to dispose of said reservation in the Indian Territory for the benefit of the whole tribe of the Sacs and Foxes of the Mississippi; (3) that the Iowa Sacs and Foxes have equitable rights in the premises which should be protected; and (4) that said agreement is "valid in form and substance," except as hereinbefore indicated. As "all agreements resulting from such negotiations (*i. e.*, between the Indians and the commission) shall be reported to the President and by him to Congress at its next session * * * for ratification" (25 Stats., 1005), and as the whole subject is within the jurisdiction of Congress, it can ratify the agreement subject to such condition and modifications as may be deemed necessary considering all the facts in the case.

In the case of the United States *v.* Kagama (118 U. S. 375), the Supreme Court held, while the Government of the United States has recognized in the Indian tribes heretofore a state of semi-independence and pupilage, it has the right and authority instead of controlling them by treaties to govern them by acts of Congress, they being within the geographical limits of the United States and being necessarily subject to the laws which Congress may enact for their protection and for the protection of the people with whom they come in contact. To the same effect, see Choctaw Nation *v.* United States (119 U. S., 27), when the court, speaking of the Choctaw Nation, said:

> It was capable, under the terms of the Constitution, of entering into treaty relations with the Government of the United States, although from the nature of the case, subject to the power and authority of the laws of the United States when Congress should choose, as it did determine in the act of March 3, 1871, * * * to exercise its legislative authority.

The papers submitted are herewith returned.

Very respectfully,

Geo. H. Shields,
Assistant Attorney-General.

The Secretary of the Interior.

Sac and Fox Agency, Ind. T., *June* 12, 1890.

Sir: The United States commissioners appointed to purchase or extinguish the Indian title to land in the Indian Territory, west of the 96° of west longitude, have the honor now to report, that on Wednesday, May 28, 1890, immediately upon concluding purchase of Iowa Reservation, they broke camp and started to the Sac and Fox Agency to negotiate with that tribe for its reservation, and arrived there about noon of May 29.

We passed almost entirely across the reservation, from northwest to southeast. There is very much prairie land and considerable of timber land, the woods, however, being open, and rich, nutritious grass everywhere this time of year.

The timber is mostly what is here called post oak, a tree of slow growth and firm fiber—admirably suited for rails and other fencing material and wagon hubs. The body of the tree is almost always short,

generally one log or rail-cut to the tree, sometimes two and very rarely three. The face of the country is tolerably level, the running streams not numerous, and rain not as frequent as to be desired. Very little of the land comparatively is in cultivation, but enough to show the adaptability of it to agriculture. They raise fair crops of corn and potatoes, and garden products in abundance. We are informed that wheat has been successfully raised at the school farm near the agency, but the Indians have not as yet tried it. The absence of mills on or near the reservation is the reason given for not doing so, but many are promising to try wheat hereafter.

The native wild grass is the only grass, except millet that has been tried. What success may be had with tame grasses is a question for the future to decide. Peaches and apples yield abundantly and we are assured that the country is very well adapted generally to fruit culture.

It is now dry and hot here—and it would seem too much so for entirely successful farming. The drought would seem to be the greatest foe to the tiller of the soil here.

The Sacs and Foxes have an outstanding lease of about 220,000 acres of their lands to a cattle company, for about 3 cents per acre per annum.

We are informed that this company have now on their pastures about 16,000 head of cattle which they are preparing to move according to the order of the Department, by October 1, next. Some few Indians have large herds, one 5,000 head, another 500, another 300, and nearly everybody has some. The Indians all seem to have more or less horses and ponies, and some hogs. This in general is the present condition here, as we find it.

The Sacs and Foxes were prepared for our coming. They had been in legislative session for some time and had generally determined to take allotments of land and to sell to the United States the residue of their reservation. Upon our arrival at the agency, we were met by Indian Agent Patrick who entertained us at dinner and later introduced us to Chief Keokuk.

He is now president of the National Council and, although unable to speak the English language, is a man of the tastes and habits of the white man, has good business qualities, keeps a hotel, store, and has a cattle ranch.

He is in fact a progressive Indian. He agreed to assemble the National Council on Saturday afternoon, May 21, and did so. The business of the commission was stated to the council by each member of the commission in turn, when Keokuk, as spokesman for the chief and as president of the council, replied that the Sacs and Foxes had fully considered the matter, and if permitted to retain 200 acres of land for each man, woman, and child of the nation, they would take $2 per acre for the residue of their reservation. The commission at once informed them that their proposition could not be accepted, but that on the next Monday morning an offer would be made to them.

The Sacs and Foxes own the reservation without question under the treaty, they having, by treaty, bought and paid for it. They have, however, no patent for it.

The north boundary of their reservation is the Cimarron River, the south boundary is the North Fork of the Canadian River, and a few miles south of the Middle, the Deep Fork of the Canadian crosses the reservation. These rivers run through the richest farming land in the reservation. In selecting their allotments, we had reason to believe

that they would select the best lands along the rivers. Therefore our proposition to them was in three parts, or rather was three distinct propositions. First, if they would all locate south of the Deep Fork we would give them $485,000 for the residue, or about $1.23 per acre.

Second. If all would settle south of the Deep Fork—except those having improved farms north of the Deep Fork, who might locate there—we would give $460,000 for the residue or about $1.15 per acre.

Third. If they insisted on locating anywhere in said reservation, we would give them $400,000 for the residue, or about $1 per acre.

They took our proposition, which was in writing, and proceeded to consider it. After three days of consideration and debate, they sent for us. In all these propositions we proposed that each person should take 160 acres of land, in place of 200, as they had proposed, 80 acres of which should be held in trust by the United States for twenty-five years, and the other 80 for five years—of fifteen years if the President should so agree. When we met them again they reported that they would consent to the diminished allotment, but if they should locate in the south half of the reservation, they would demand the $2 per acre. If, however, they should be permitted to locate anywhere they pleased, they would accept an amount equal to about $1.57 per acre for the residue of their reservation.

We again informed them that we could not do better in price than we had offered, and invited them to consider the proposition again.

After a day or two they again reported that they would take the 160 acres, if they should be permitted to take it wherever they pleased in the reservation, and $491,783.75 for the residue, or $1.25 per acre.

We still felt that we ought not to yield the small difference; but proposed that they should take 160 acres each, wherever they wished—except in sections 16 and 36 in each Congressional township, and except the one-quarter section where agency is located and the school section—and we would give them the $485,000, or $1.23 per acre; provided that the allotments should not exceed in number five hundred and twenty-eight, and that there should be deducted from said sum the sum of $200 for each allotment in excess of five hundred and twenty-eight.

We are aware that the allotments are, in size, in excess of the allotments provided for by the act of Congress, but we find it the hardest question of all to convince the Indian that allotments for children should be smaller than those for men and women. In fact they generally feel that the child should have more, because by education and civilization the child will be better fitted to take good care of it.

Because the allotments are large we deemed it best to provide that but 80 acres should be held in trust for twenty-five years, and the other 80 acres for but five years, to be extended to fifteen years if the President should so will. We thought it unwise that so much land should be free from taxation for so long a period, and that possibly the experience gained in handling or disposing of the one 80-acre tract in five years might teach them how to take care of the other 80 acres after twenty-five years.

The other details of the contract were all suggested and demanded by the Indians, and as each one seems to be in furtherance of the interest of the Indian and in no way inimical to the interest of the Government of the United States, we assented to and incorporated them in the contract.

The Sacs and Foxes have a written constitution and National Council, to which is committed all the affairs of the nation, and all the citizens

of the nation readily and willingly acquiesce in its determination. The constitution provides for four chiefs and sixteen members of the council.

One chief, however, has died since the last election, and the vacancy caused thereby has not been filled. The three chiefs and all the councilmen, save two, were present at the final meeting, and all the councilmen present voted for the ratification of the agreement.

The Sac and Fox Reservation contains 479,668 acres of land, and is said to be better land on the whole than the Cherokee Outlet. If the whole acreage of the reservation is counted—and it should be, for it all becomes farm land—the price is but a trifle over $1 per acre. But if the land retained for Indian farms shall be deducted, and the residue only considered, then the price is about $1.23 per acre, or less than the price given to the Creeks and Seminoles for Oklahoma, and also a less price than that which the commission was directed to offer to the Cherokees for the "Outlet."

We do not suggest this for the purpose of claiming to have made a good bargain, but rather to show that we are guided as to prices by precedents of Congress and the price that generally obtains for public land.

We can not close this report without acknowledging the uniform kindness, courtesy, and aid extended to us by Colonel Patrick, the Indian agent, his family, and all connected with the agency.

We go from here to the Pottawatomies, as early as we can get away, and we expect to be with them by Monday, the 16th instant, when we will report our further progress.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

TO THE PRESIDENT.

Articles of agreement made and entered into at the seat of government of the Sac and Fox Nation in the Indian Territory on the tenth day of June, 1890, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States appointed for the purpose and the Sac and Fox Nation, witnesseth:

ARTICLE 1. The said the Sac and Fox Nation hereby cedes, conveys, transfers, surrenders, and forever relinquishes to the United States of America all their title, claim or interest, of every kind or character, in and to the following-described tract of land or country, in the Indian Territory, to wit: Beginning at a point on the left bank of the North Fork of the Canadian River where the west boundary line of the Creek Reservation crosses the same; thence north with said west boundary line to the right bank of the Cimarron River; thence up the said Cimarron River along the right bank thereof to a point on said right bank of said river where the section line between section nineteen (19) and twenty (20) of township eighteen (18) north, of range four (4) east, of the Indian meridian strikes the same; thence south on the section line between sections nineteen (19) and twenty (20), twenty-nine (29) and thirty (30), thirty-one (31) and thirty-two (32) of said township eighteen (18), and between sections five (5) and six (6), seven (7), and eight (8), seventeen (17) and eighteen (18), nineteen (19) and twenty (20), twenty-nine (29) and thirty (30), thirty-one (31) and thirty-two (32) of town-

ship seventeen (17), sixteen (16), fifteen (15), fourteen (14) north, and between sections five (5) and six (6), seven (7) and eight (8), and sections seventeen (17) and eighteen (18) of township thirteen (13) north, all in range our (4) east of the Indian meridian, to the southeast corner of section eighteen (18) in said township thirteen (13), thence west on the section line between sections eighteen (18) and nineteen (19) to the range line between ranges three (3) and four (4), east of the said Indian meridian; thence south on said range line to a point on the left bank of the North Fork of the Canadian River where the said range line strikes the said river; thence down the said North Fork of the Canadian River along the left bank thereof to the place of beginning.

Also the tract of land situated in township ten (10) north, of range four (4) east, of said Indian meridian, north of the North Fork of the Canadian River (not within the limits of the tract of country above described), and bounded as follows: Beginning at the point on the left bank of the North Fork of the Canadian River where the range line between ranges three (3) and four (4) east strikes the said river; thence up said river along the left bank thereof to a point on said left bank where the said range line again intersects said river; thence south on said range line to a point on the left bank of said river where said range line again intersects said river; thence down said river along the left bank thereof to the place of beginning—and all other land or country in said Indian Territory, in which said Sac and Fox Nation has or claims any title, claim, or interest.

Provided, however, the quarter section of land on which is now located the Sac and Fox Agency shall not pass to the United States by this cession, conveyance, transfer, surrender, and relinquishment, but shall remain the property of the said Sac and Fox Nation to the full extent that it is now the property of said nation, subject only to the rights of the United States therein by reason of said agency being located thereon, and subject to the rights, legal and equitable, of those persons that are now legally located thereon. And it is agreed that the national council of said Sac and Fox Nation shall have the right at any time, subject to the approval of the Secretary of the Interior for the time being, to sell and convey said quarter section of land, or any part thereof, saving in such conveyance the rights of the United States and of persons legally located thereon, for the benefit of said Sac and Fox Nation, but shall not be subject to be taken by any citizen of the Sac and Fox Nation in allotment, nor subject to homestead entry under any law of the United States. And the section of land now designated and set apart near the Sac and Fox Agency for a school and farm shall not be subject either to allotment to an Indian or to homestead entry under the laws of the United States, but shall remain as it now is and kept for school and farming purposes so long as said Sac and Fox Nation shall so use the same; provided, however, that at the time allotments are being taken, as hereinafter provided for, the national council of said Sac and Fox Nation may release from the operation of this part of this agreement one or more quarters of said school section of land, and such part or parts so released shall thereby become subject either to allotment hereunder or to homestead entry. And for each quarter of said school section so released the said national council shall have the right to select anywhere in said reservation another quarter section of land except in section sixteen (16) and section thirty-six (36) of any Congressional township, to be held as said school section is provided herein to be held, so long as said Sac and Fox Nation

shall use the same for school purposes or for farming purposes in connection with this said school.

ARTICLE II. In consideration of the cession, conveyance, transfer, surrender, and relinquishment by said Sac and Fox Nation of all their title, claim, and interest, of every kind and character, in and to the lands described in the preceding article, the United States of America hereby agrees with said Sac and Fox Nation that each and every citizen thereof over the age of eighteen (18) years shall have the right to select for himself or herself one-fourth of a section of land in one body, in a square form, to conform in boundaries to the legal surveys, anywhere in the tract of country hereinbefore described, except in sections sixteen (16) and thirty-six (36) in each Congressional township, and said one-quarter section of land where said agency is located, and said school section or other lands selected in lieu thereof.

The father of any child, or if the father be dead the mother, shall have the right to select for each of his or her children under eighteen (18) years of age one-quarter section of land, in one body, in a square form, under the same restrictions only as above provided for citizens over the age of eighteen (18) years. If there shall be a child under eighteen (18) years of age, and having neither father nor mother, then the agent for the time being at said Sac and Fox Agency shall select for such child the same amount of land, under the same restrictions and limitations as are above provided for other children.

ARTICLE III. It is further agreed that when the allotments to the citizens of the Sac and Fox Nation are made, the Secretary of the Interior shall cause patents to issue therefor in the name of the allottees, which patent shall be of the legal effect and declare that eighty (80) acres of the land to be designated and described by the allottee, his or her agent as above provided, at the time the allotment is being made, shall be held in trust by the United States of America for the period of twenty-five (25) years, for the sole use and benefit of the allottee, or his or her heirs, according to the laws of the State or Territory where the land is located; and that the other eighty (80) acres shall be so held in trust by the United States of America for the period of five (5) years, or if the President of the United States will consent for fifteen (15) years, for like use and benefit; and that at the expiration of the said periods respectively the United States will convey the same by patent to said allottee or his or her heirs, as aforesaid, in fee, discharged of said trust and free from all incumbrances; provided, that in no case shall a patent in fee be issued to a person who is an orphan at time allotment is made and unmarried until he or she shall have arrived at the age of twenty-one (21) years or shall marry. In order that the question of the age of any orphan allottee as aforesaid shall not be subject to future inquiry, it is agreed that the age of each orphan allottee under the age of twenty-one (21) years shall be fixed and ascertained by the person making the allotment and reported by him to the Department of the Interior, and such report of the age of any allottee shall be held and deemed conclusive in carrying out this agreement.

ARTICLE IV. As a further and only additional consideration for the cession, conveyance, transfer, surrender, and relinquishment of all title, claim, and interest in and to the tract of land described in Article I hereof, the United States agrees to pay the Sac and Fox Nation the sum of four hundred and eighty-five thousand ($485,000) dollars; provided, the entire number of allotments hereunder shall not exceed five hundred and twenty-eight (528), and should the allotments exceed in number five hundred and twenty-eight (528), then there shall be deducted from

said sum of four hundred and eighty-five thousand ($485,000) dollars the sum of two hundred ($200) dollars for each allotment in excess of said number.

Said sum of four hundred and eighty-five thousand ($485,000) dollars shall be paid as follows: Three hundred thousand dollars thereof shall be retained in the Treasury of the United States to the credit of the said Sac and Fox Nation, and bear interest at the rate of five per centum (5 per cent.) per annum; which interest shall become due and payable on the first day of March in each year.

Five thousand ($5,000) dollars thereof shall be paid to the United States Indian agent at the Sac and Fox Agency, to be paid out and expended by him under the direction and authority of the national council of the Sac and Fox Nation.

The residue of said sum of four hundred and eighty-five thousand ($485,000) dollars shall be paid out in currency to the citizens of the said Sac and Fox Nation, per capita, at the Sac and Fox Agency, in the Indian Territory, within three months after the ratification of this agreement by Congress, as follows: Each person over the age of twenty-one (21) years shall receive and receipt for his or her share thereof; each person that is married shall receive and receipt for his or her share thereof whether twenty-one (21) years of age or not.

The United States Indian agent at the Sac and Fox Agency shall retain and pay out the share thereof belonging to any insane or imbecile citizen of said nation, for his or her sole use and benefit, either for necessary support or for the improvement of his or her land.

The share thereof belonging to orphan children under twenty-one years of age and unmarried shall be retained in the treasury of the United States until he or she shall marry or become twenty-one (21) years of age, when he or she shall be entitled to receive and receipt for the same at said Sac and Fox Agency free of charge; or if the national council shall at any time deem any orphan child capable of taking proper care of his or her money, said council may make an order to that effect, upon which order being made the United States Indian agent at said Sac and Fox Agency shall make requisition for such person's money, which at the ensuing annuity payment shall be paid to such person. It is the purpose and intention and agreement that no part of this fund shall ever pass under the control of any guardian appointed by or acting under any State or Territorial authority.

It is further agreed that no part of said sum of four hundred and eighty-five thousand ($485,000) dollars shall be applied in payment of any claim preferred against said Sac and Fox Nation alleged to have accrued prior to the ratification of this agreement.

ARTICLE V. It is further agreed that the Department of the Interior shall, as soon as practicable after the ratification of this agreement by the Congress of the United States, send to said Sac and Fox Agency a competent corps of allotting agents and necessary assistants, to make, survey, designate, and describe the allotments herein provided for, who shall give a notice in writing to the principal chief of the Sac and Fox Nation that they are prepared and ready to proceed in making said allotments, and said Sacs and Foxes shall then have four months from the time of giving such notice to complete the taking of their allotments, and if, at the end of such period of four months, it shall be ascertained that any of the citizens of said nation have failed or refused to take their said allotments, then the United States Indian agent, for the time being, at said Sac and Fox Agency, shall make selections for such persons, which shall have the same effect as if such persons had made

such selections for themselves. It is further agreed that as soon as such allotments are so made and approved by the Department of the Interior, and the provisional patents hereinbefore provided for are issued, then the residue of said tract of country shall, as far as said Sac and Fox Nation is concerned, become public lands of the United States, and under such restrictions as may be imposed by law be subject to white settlement.

ARTICLE VI. It is further agreed that whenever any citizen of said Sac and Fox Nation shall have made and owns valuable improvements in any lands in said reservation, he or she shall have the preference over any other citizen of said nation to take his or her allotments so as to embrace said improvements, provided they shall be limited as hereinbefore provided as to boundaries and area.

ARTICLE VII. It is further agreed that the beneficiaries of this agreemen shall be limited to those persons whose names are now on the roll as Sacs and Foxes at the said Sac and Fox Agency, and those that may be born to them and entitled by the laws and customs of said Sac and Fox Nation to go upon said roll before said allotments are made, and those that may be adopted into said nation according to law by the national council before said allotments are made.

ARTICLE VIII. This agreement shall be in force and have effect from and after its ratification by the national council of the Sac and Fox Nation and the Congress of the United States.

In witness whereof the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayer, commissioners on the part of the United States, have hereunto set their hands the day and year aforesaid, and the principal chief and the first assistant principal chief of said Sac and Fox Nation have hereunto set their hand and the seal of said nation the day and year aforesaid.

And the secretary of said Sac and Fox Nation now attests the same.

DAVID H. JEROME,
ALFRED M. WILSON,
WARREN G. SAYRE,
Commissioners for the United States.

MAH-KO-SAH-TOE (his x mark),
Principal Chief.
MOSES KEOKUK (his x mark),
First Asst. Prin. Chief.

Attest:
[SEAL.]

WALTER BATTICE,
Secretary of Sac and Fox Nation.

Be it resolved by the national council of the Sac and Fox Nation lawfully assembled at the council house of said nation, That the contract and agreement made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on behalf of the United States and said Sac and Fox Nation, bearing date the 12th day of June, A. D. 1890, for the cession of the lands of said nation therein described to the United States, and the allotment of land to the citizens of said nation and other purposes, and signed by said United States commissioners, the principal chief, and the first assistant principal chief of said Sac and Fox Nation, which agreement is hereto attached and made a part hereof, be, and the same is hereby, approved, ratified, confirmed, and agreed to.

Councilman Charles S. Keokuk moved the adoption of the resolution, which motion was seconded by Councilman Henry C. Jones; whereupon the president of the council put the question to the council, and it was unanimously adopted by the following vote: Ayes—

Executive councilmen: Mesh-she-walk, Kish-ka-tun-o-kah, Pea-twy-tuck, Nom-mol-wah, William Harris, Henry C. Jones, Ke-om-o-what, Nah-taw-waw-pa-mah.

Additional councilmen: Charles S. Keokuk, Waw-paw-ko-huck, Ah-squa-se-pit, Waw-kal-le, Waw-pe-kol-hol, O-sha-ke.

Absent: O-kaque, Ka-kaque.

Summary: ayes, fourteen (14); absent and not voting: two (2).

And it is further ordered that as a further authentication of the making of said agreement, that the principal chief and first assistant principal chief of said Sac and Fox Nation are hereby directed to sign the same and affix thereto the seal of said nation, and that their signatures to said agreement be attested by Walter Battice, secretary of said nation.

SAC AND FOX NATION, *Indian Territory, ss:*

I, Walter Battice, secretary of the Sac and Fox Nation in the Indian Territory, hereby certify that the above and foregoing is a full, true, and complete transcript of the proceedings of the Sac and Fox national council at a session thereof held at the seat of government of said Sac and Fox Nation on the 12th day of June, A. D. 1890, as the same appears and remains of record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the principal chief of said nation the day and year aforesaid.

[SEAL.] WALTER BATTICE,
Secretary Sac and Fox Nation.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 173.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A resolution of the International American Conference relative to celebrating the discovery of America.

JULY 3, 1890.—Read, referred to the Select Committee on the Quadro-Centennial, and ordered to be printed.

EXECUTIVE MANSION,
Washington, July 2, 1890.

To the Senate and House of Representatives:

I transmit herewith for your information a letter from the Secretary of State, inclosing a copy of a resolution passed by the International American Conference, with reference to the celebration of the fourth centennial of the discovery of America.

BENJ. HARRISON.

DEPARTMENT OF STATE,
Washington, May 30, 1890.

To the PRESIDENT:

I have the honor to transmit herewith, for your information, and that of the Congress of the United States, a copy of a resolution adopted by the International American Conference at its session of April 19 last:

Resolved, That in homage to the memory of the immortal discoverer of America, and in gratitude for the unparalleled service rendered by him to civilization and humanity, the International Conference hereby offers its hearty co-operation in the manifestations to be made in his honor on the occasion of the fourth centennial anniversary of the discovery of America.

Respectfully submitted.

JAMES G. BLAINE.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 174.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State and reports of the International American Conference touching improved postal and cable communication between the United States and other American States.

JULY 3, 1890.—Read, referred to the Committee on Appropriations, and ordered to be printed.

POSTAL AND CABLE COMMUNICATION.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference for the establishment of improved facilities for postal and cable communication between the United States and the several countries of Central and South America.

I can not too strongly urge upon Congress the necessity of giving this subject immediate and favorable consideration, and of making adequate appropriations to carry the recommendations into effect; and in this connection I beg leave to call attention to what was said on the subject in my annual message. The delegates of the seventeen neighboring Republics which have so recently been assembled in Washington, at the invitation of this Government, have expressed their wish and purpose to co-operate with the United States in the adoption of measures to improve the means of communication between the several Republics of America. They recognize the necessity of frequent, regular, and rapid steam-ship service, both for the purpose of maintaining friendly intercourse and for the convenience of commerce, and realize that without such facilities it is useless to attempt to extend the trade between their ports and ours.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 2, 1890.

DEPARTMENT OF STATE,
Washington, July 2, 1890.

To the PRESIDENT:

I beg leave to submit to your attention three reports adopted by the International American Conference, recently in session at this capital, demonstrating the necessity of additional means of postal and cable communication between the United States and the ports of Central and South America, and recommending the immediate adoption, by the sev-

eral Governments interested, of measures to furnish adequate transportation facilities for the convenience of passenger travel and trade.

The report of the Committee on Communication upon the Gulf of Mexico and the Caribbean Sea presents a series of facts touching the existing means of transportation for submission to the early consideration of Congress. It shows that the Republic of Mexico and the Republics of Central America, although containing a population and wealth that are but a fraction of our own, and with public revenues that do not compare with those of the United States, are doing more than this Government to maintain a commerce that is of much greater importance and advantage to us than it is to them. They pay as subsidies to steam-ships carrying the United States flag the sum of $101,000 annually; while the Government of the United States paid the same vessels but $24,160 during the last fiscal year.

The report states that while "the present lines of steamers between the ports of the United States and the countries bordering on the Gulf of Mexico and the Caribbean Sea furnish a tolerable service, an objection is found in the length of time consumed in making the voyages. At present, a letter mailed on the first of the month in St. Louis will not arrive at Colon before the 15th. It requires two days to reach New York, and then, if the steamer sails immediately, the time is reduced to twelve days; but as the steamer sails but three times a month, it is oftener twenty days in making the passage. Freight requires a much longer time, in some cases thirty or thirty-five days. By the establishment of faster and more direct lines of steamers, the time could be shortened at least one-third, and the expense of freight transportation reduced in a corresponding degree."

The report further shows that "trade is no longer done to any extent by correspondence. The buyer and seller must meet each other. Acquaintance fosters confidence, and confidence is the foundation of all trade. Wherever foreign merchants have obtained mastery in the markets of Latin America, it has been by sending agents to study the tastes and the wants of the buyers, and to lay before them samples of the merchandise they have to sell, and by furnishing prompt and cheap transportation facilities. Commercial travelers from the United States are seldom, if ever, seen in the mercantile cities of the Southern countries, and the buyers for those markets seldom visit the warehouses of the merchants of the United States. This is in a large part attributable to the lack of proper means of communication. The merchant of any of these countries can take his state-room upon a swift steamer, and after a comfortable and restful voyage spend a month in examining the manufactures and show-rooms of European countries. He can make the acquaintance of those who are seeking his custom and establish his credit, and buy whatever he finds suitable for his customers."

The report points out many other advantages that might be derived from more rapid and frequent means of communication, not only with the ports of Central America and the Spanish Main, but with those of the west coast of South America also, which has a foreign commerce exceeding $100,000,000 a year. "The distance from the ports of Chili to those of Europe through the Straits of Magellan is nearly 9,000 miles, and the voyage requires more than thirty days; while from Peru and Ecuador the distance and time are much greater. A line of fast steamers from the United States to Colon, in connection with a similar one down the west coast of South America, would bring Valparaiso within eighteen or twenty days of Chicago and St. Louis. London could be reached from Valparaiso by way of New Orleans or New York in much less time than by the direct voyage through the straits,

and the journey would be so much more agreeable that the passenger, as well as the freight traffic, would be to a great extent diverted to this way."

COMMUNICATION WITH VENEZUELA.

The facilities for communication between the United States and the Republic of Venezuela, through the enterprise of the managers of the "Red D" line of steamers, are ample, and the result upon the commerce between the two countries is very marked. But a few years ago our trade with Venezuela amounted to but $3,300,000 annually; now it has reached $14,000,000, and comprises nearly one-half of the total foreign commerce of that country. The value of the trade that has been built up by this line of steamers is confirmed by the fact that 10,000 bales of cotton goods were shipped from the United States in 1888, while in 1880 the entire export amounted to but 1,200 bales.

It is believed that similar results will follow the establishment of adequate means of communication with other Latin-American Republics, under conditions which will enable our steamship companies to compete in freight and passenger rates with the liberally subsidized lines of Europe.

The report of the Conference well observes that "in view of these facts, and of their proximity, and of the small amount required to furnish ample facilities, it seems incredible that the Governments at interest have so long delayed the establishment of means of communication. It is doubtful if anywhere upon the globe there exists an equal opportunity for accomplishing commercial results as beneficial to 85,000,000 people as could be secured at the small cost involved in establishing first-class communication between the ports of these States; and it is confidently expected that the Governments of the several countries, when their attention is properly directed to this subject, and when the small cost of adequate service is pointed out, will adopt the necessary means to secure it."

COMMUNICATION ON THE PACIFIC.

The report touching communication on the Pacific is equally worthy of consideration, and the representatives of the several countries bordering upon that ocean present a recommendation for the co-operation of their Governments for the establishment of one or more lines of steamships of the first class, which shall make regular voyages between San Francisco and Valparaiso and the intermediate ports. They propose a direct subsidy not to exceed 30 cents per gross registered ton for each thousand miles traveled, to be paid by each Government in shares proportionate to its population, and to continue for a period of ten years.

Proposals for the service are to be invited by the Government of the United States at Washington, and the bids are to be opened in the presence of the representatives of the other nations interested. The amount to be paid by the United States in maintaining such a service would be about 67 per cent. of the whole.

COMMUNICATION ON THE ATLANTIC.

A similar recommendation is made by the Conference for the establishment of additional means of communication between the United States and the ports of Brazil, Uruguay, and the Argentine Republic. In consideration of the immense magnitude and value of the commerce of those countries, the lines thus recommended are of the greatest importance.

It is proposed that there be established two distinct lines of steamships; one for the transportation of mails, passengers, and through freights, touching only at a single port in each country, with vessels of a capacity not less than 5,000 tons, and of a speed not less than 16 knots per hour. The other is to be an auxiliary line of slower (12-knot) ships to touch at the intermediate ports. It is recommended by the Conference that the United States and the Republic of Brazil enter jointly into a contract for the establishment of the auxiliary line, the cost of the service to be equally divided between them. The expense of maintaining the fast line it is proposed to divide between the four Governments, the United States paying 60 per cent., Brazil 17½ per cent., the Argentine Republic 17½ per cent., and the Republic of Uruguay 5 per cent.; accepting only steamships constructed in the United States, and awarding contracts after advertisement at Washington for a term of ten years.

In order that the recommendations of the Conference may be carried into effect, it will be necessary for Congress to make an appropriation for that purpose, and authorize the Postmaster-General to enter into contracts with steamship owners, with the representatives of the other Republics as parties to the agreement.

Respectfully submitted.

JAMES G. BLAINE.

I.

RECOMMENDATIONS OF THE INTERNATIONAL AMERICAN CONFERENCE AS TO COMMUNICATION ON THE ATLANTIC OCEAN.

First. The Committee on Communication on the Atlantic resolves to recommend to the respective Governments the aiding of one or more lines of steam navigation between ports of the United States and those of Brazil and Rio de la Plata.

Second. The companies receiving Government aid shall establish a fast bimonthly service of steam navigation between the ports of the United States, Rio Janeiro, Montevideo, and Buenos Ayres, and the vessels shall have the accommodations and capacity necessary for the transportation of freight and passengers, and shall carry the mails.

Third. These steam-ships shall only touch at one port of the intermediary countries on the trips to and from Buenos Ayres; but during the quarantine season they shall only discharge mails and passengers and shall not embark anything subject to infection. In the countries of clearance and ultimate destination, they may touch at two ports.

Fourth. The speed of the fast steam-ships shall be at least 16 knots per hour, and they shall be of not less than 5,000 tons, and a time schedule of arrivals at and departures from the ports shall be established in conformity with the speed required.

Fifth. Your committee recommends also an auxiliary line of freight steam-ships, which shall sail twice a month, making not less than 12 knots an hour, and touching at ports of the United States and Brazil. The United States of America and the Republic of Brazil shall pay one-half each of the amounts paid to these vessels, taking into due consideration the contract of the existing line with the latter Government.

Sixth. The awarding of the contract with the steam-ship companies shall take place in the city of New York, bids being solicited of the companies by advertisement in at least five daily newspapers having

the largest circulation in each contracting country. The advertisement shall designate a time within which proposals may be presented, which time shall not be less than ninety days. The bids are to be opened in the presence of the representatives appointed for this purpose by the Governments interested.

Seventh. Bidders must state the tonnage of the vessels, in accordance with article four, and the amount of Government aid required, calculating the latter at the rate per ton for every 1,000 miles, and also the amount of payment for the round trip.

Eighth. The Governments reserve the right to reject all bids if, in their judgment, they should be excessive.

Ninth. The states shall have the right to impose their flag and register upon the vessels to a number proportionate to the percentage of the aid they pay. In that case it is understood that the quota of each nation shall be paid directly to the vessel or vessels carrying its flag. In case of war each state may use as transports and arm as cruisers, upon payment therefor, the vessels carrying its flag.

Tenth. The vessels receiving Government aid, whatever flag they may carry, shall enjoy in the ports of the contracting Governments all the rights and privileges accorded to national vessels for the sole purpose of international commerce, but not including rights to coastwise trade.

Eleventh. The contracting Governments shall contribute aid to the fast line in the following proportion:

	Per cent.
The United States	60
The Argentine Republic	17½
Brazil	17½
Republic of Uruguay	5

Twelfth. The contracting states shall accept only vessels constructed in the United States, in consideration of the higher aid paid by that Government.

Thirteenth. The term of the contract shall be ten years.

Fourteenth. The Committee recommends to the Governments interested the encouragement of direct cable lines to connect the countries represented in said Committee with regular service and equitable rates.

Fifteenth. The Republics of Bolivia and of Paraguay hereby agree to the plan of the Committee, and will contribute to the payment on condition that the companies agree to establish subsidiary lines of river navigation that shall reach their ports.

II.

REPORT OF THE COMMITTEE ON COMMUNICATION ON THE PACIFIC OCEAN AS SUBMITTED TO THE INTERNATIONAL AMERICAN CONFERENCE.

The Committee on Communication on the Pacific has the honor to propose that it be recommended to the Governments represented in the Conference and whose territories border on the Pacific Ocean, with reference to transportation companies:

First. That the nations lying along the western coast of the American continent, and represented in this Conference, agree to subsidiz one or more lines of steam-ships of the first class, which shall make regular voyages between the port of San Francisco, in the State of California, United States of America, and that of Valparaiso, in the Repub-

lic of Chili, and the intermediate ports. Said vessels shall make bi-monthly round trips, at least, to each port; shall be of not less than 4,000 tons capacity, with triple expansion engines of not less than 3,500 indicated horse-power, and a minimum speed of 15 knots per hour. The vessels so employed shall be suitably constructed for the transportation of passengers as well as freight, and first class in every respect, with all modern improvements.

Second. That the companies or individuals owning said vessels shall transport both passengers and freight thereon between all the ports of said coast which can be safely visited; and that they shall not enter directly or indirectly into any arrangement or combination with any other company or individual to increase the rate of passage or freight by sea or land, and no preference shall be given one ship over another.

Third. That the nations named shall pay annually, directly to the company, companies, or individual owners of said lines, as a compensation for the services rendered them and in the terms and under the conditions established, a subsidy, the total amount of which shall not exceed thirty cents per gross registered ton of said vessels, for each 1,000 miles sailed, outward and homeward.

Fourth. That the subsidy provided for in the preceding article shall be distributed among the subscribing nations in proportion to their population, as determined by their last census, and in default of such data, by the most reliable official sources. As an approximate proportion the following figures are indicated:

United States	$65,000,000
Mexico	12,000,000
Guatemala	1,300,000
Salvador	750,000
Honduras	500,000
Costa Rica	250,000
Nicaragua	500,000
Colombia	4,000,000
Ecuador	1,000,000
Peru	3,000,000
Bolivia	2,500,000
Chili	3,000,000
	93,800,000

Fifth. That the bids shall be presented in Washington, before the Federal Government of the United States; and the proposals therefor shall be published in not less than three daily newspapers among those having the largest circulation, and also in each of the countries contributing to said subsidy. The advertisement shall describe the service required; the frequency of the proposed voyages; the dimensions, speed, and conditions of said vessels and such other details as the subscribing nations may deem proper to enumerate. The period of one hundred and twenty days shall be allowed for the presentation of bids, and the same shall be opened in the presence of the representatives of said nations, authorized to this effect; the bidders shall conform to the rules prescribed by said representatives, who shall have the right to accept or reject the bids which may be offered.

Sixth. That the vessels of the subsidized line or lines shall register in the merchant marine of the countries referred to in these recommendations, whenever the Government interested shall require it, in proportion to the quota of subsidy paid by each.

Seventh. That in the event of war between one or more of the countries subscribing to the subsidy with any of the nations represented in the Conference, the vessels of said line registered in such merchant

marine shall register under the remaining countries, in the proportion indicated, until a state of peace shall be established.

Eighth. That whatever be the flag of the subsidized vessels they shall enjoy in the ports of the contracting Governments, in all that pertains to international commerce, the rights and privileges of national vessels, including the coasting trade in those countries in which it is or may hereafter be declared free.

Ninth. That this convention shall last ten years, at the expiration of which it shall be considered extended ten years, provided that twelve months before the expiration of said period formal notification of its dissolution shall not have been given. Such dissolution may be partial; and in such event the nation or nations separating shall be exempt from the payment of said subsidy.

TELEGRAPHIC COMMUNICATION.

The committee on communication on the Pacific has the honor to propose that it be recommended to the Governments represented in the Conference and whose countries border on the Pacific Ocean, with respect to telegraphic communication:

First. That government aid be given to the company which shall connect the principal ports of the nations bordering on the Pacific by means of a submarine telegraphic cable, whose termini shall be, for the present, the port of San Francisco, in the United States of America, and that of Valparaiso, in Chili; taking as a basis for the purpose of determining the total amount of aid that the cost of transmission for each word shall be less than the minimum amount now charged by the existing companies, at whatever distance the city or locality to which the cablegram is addressed may be situated.

Second. That the total amount of aid agreed upon shall be paid by the Governments interested, in the proportion established for the payment of the aid to the steam-ship transportation companies; proceeding, with respect to the presentation and acceptance of bids, in accordance with the fifth article of its report on communications on the Pacific.

POSTAL COMMUNICATION.

The committee on communication on the Pacific has the honor to propose that it be recommended to the Governments represented in the Conference, and whose countries border on the Pacific Ocean, with respect to postal communication:

That the Governments with which this committee is concerned, and all of which have accepted the convention entered into in Paris on the 1st of January, 1878, for a "Universal Postal Union," adopt the conventions as to postal drafts and as to the exchange of postal money-orders, respectively entered into, at the said city of Paris, on the 4th of June, 1878, and 3d of November, 1880; *or*, that they enter into special conventions, having the same ends in view.

RECOMMENDATIONS AS ADOPTED.

"The International American Conference resolves: To recommend to the Governments of the countries bordering on the Pacific Ocean to promote among themselves maritime, telegraphic, and postal communications, taking into consideration, as far as compatible with their own interests, the propositions formulated in the report of the committee on communication on the Pacific."

III.

REPORT ON COMMUNICATION ON THE GULF OF MEXICO AND THE CARIBBEAN SEA.

The President of the International American Conference:

The committee appointed to consider and report upon the best means of extending and improving the facilities for commercial, postal, and telegraph communication between the several countries represented in this Conference that border upon the Gulf of Mexico and the Caribbean Sea has the honor to submit to the Conference the following report:

TELEGRAPHIC COMMUNICATION.

Telegraphic communication is carried on between the different countries by means of lines which connect the principal cities of the several countries. It seems that the service meets all requirements, and is to be considered satisfactory.

Cable communication is carried on by means of two lines between the United States and the republics of the south. One of them connects Galveston, Tex., with Mexico, Guatemala, Salvador, Nicaragua, Costa Rica, and the countries on the west coast of South America. The other goes from Tampa, Fla., to Havana, round the south coast of Cuba to Kingston, Jamaica, and from there to Ponce de Leon, Porto Rico; thence by way of the Windward Islands to Trinidad, and across to the coast off Venezuela. The rates charged by both of these companies make it impracticable to do much business over their lines, and all but the most imperative messages are reserved for the mails.

We recommend that steps be taken to secure a moderate scale of charges over the present cable lines, and in the event that this can not be accomplished, would suggest the necessity of granting charters to one or more independent cable companies under the auspices of the several governments representing the countries at interest; the said companies to be incorporated with provisions that cable tolls shall in no case exceed reasonable maximum rates to be fixed in their charters. We further recommend that larger systems may be used as far as possible. Short single sections between two isolated points can never pay. It is nearly as expensive to maintain a short as a long circuit, and with a system of several cables the only additional expense is the salaries of the staff of operators at the stations.

POSTAL COMMUNICATIONS.

Postal communication between the United States and the countries bordering on the Gulf of Mexico and the Caribbean Sea is governed by the provisions of the Universal Postal Union, and is carried on by several lines of steam-ships, which sail more or less frequently, and carry the mails under the direction of the post-office authorities of the respective governments.

A statement from the Post-Office Department, hereto attached, will show the number and character of these lines, the amount of mail transported, and the compensation paid by the United States Government during the fiscal year ending June 30, 1889.

COMMUNICATION WITH HAYTI.

The facilities for commercial and postal communications between the United States and Hayti are fair, being furnished by the Clyde Steamship Company, whose steamers sail under the United States flag.

VENEZUELA.

The facilities for communication with Venezuela are good, through the enterprise of the managers of the "Red D" line of steamers, running between New York and the ports of that country. During the last few months this company has added to its fleet three fine new steamers equipped with modern improvements, namely, the *Venezuela*, of 2,800 tons, the *Caracas*, of 2,600 tons, and the *Maracaibo*, of 1,260 tons. This line was established by Messrs. Boulton, Bliss & Dallet, of New York, as a necessity to transport the merchandise of that firm. For many years they employed sailing vessels alone, but in 1879 it was decided to substitute steam for sail, and three German steamers were chartered until vessels could be built especially for the trade. All of the steamers are provided with accommodations for passengers and modern improvements for safety, convenience, and comfort. The main line runs from New York to the Island of Curaçoa, from there to Puerto Cabello, and thence to La Guayra, in Venezuela, with a branch line to Maracaibo. Steamers now leave New York every ten days, but it is desired that the service be increased to four sailings per month.

The effect of the establishment of this line of steamers upon the trade of the United States and Venezuela has been very great. But a few years ago the commerce with that Republic was only $3,300,000; now it amounts to about $14,000,000 and comprises nearly one-half the total foreign trade of that country. The value of the trade that has been built up by this line of steamers is confirmed by the fact that 10,000 bales of cotton goods were shipped from the United States to that country in 1888, while in 1880 but 1,200 bales were shipped.

There is also a line of steamers sailing once a month from New York to Ciudad Bolivar, on the Orinoco River.

COLOMBIA.

The commerical and postal communications between the United States and the Republic of Colombia are furnished by the Pacific Mail Steamship Company, which sails three times a month from New York to Colon (Aspinwall), the average length of the voyage being from eight to nine days. The Pacific Mail steamers carry mail not only for Colombia, but for the west coast of Central and South America, making connection at Panama with the various lines of steamers on that coast. The Pacific Mail steamers sail under the United States flag. The mail for Savanilla and Cartagena is carried by the Atlas Line of steamers, sailing under the British flag, twice a month, the average length of the voyage being thirteen days. Both of these lines would give a more satisfactory service if the sailings were increased to one per week.

There is also another line, under the Spanish flag, which sails between New York, Cuba, Venezuela, and the United States of Colombia, and is said to receive from the Spanish Government a subsidy of $243,687.60.

These three lines furnish six sailings a month between New York and the ports of Colombia.

CENTRAL AMERICA.

The mails to Central America are carried either by the Pacific Mail and the Atlas steamers or by the small lines sailing from New Orleans, and, while they are rendering as good service as is practicable under present conditions, it is very desirable that the facilities shall be increased in order that better service may be secured.

MEXICO.

Steam-ship communication between the Gulf ports of the United States and Mexico is limited to the Morgan Line between New Orleans and Vera Cruz—average time three and one-half days, sailing twice a month. By reason of railway communication between the two countries they are not dependent upon steam-ships for mail, passenger, or freight service. Their rapidly increasing commerce, as the result of railroad connection, is an evidence of the benefits that will arise from the establishment of proper communication between other countries.

It will be observed from the study of the annexed report of the United States Post-Office Department that the earnings of all these lines of steamers are derived almost exclusively from the intercourse and trade that these countries maintain with the United States. Very little could be derived from the commerce between the several nations on the Gulf of Mexico and the Caribbean Sea outside of the United States. This is due to a great extent, if not wholly, to the fact that none of these countries are engaged in manufacturing. They all produce similar raw products and their importations are composed of similar merchandise. Manufactured cotton goods, machinery, and provisions compose the bulk of the imports of these countries from the United States, and in their turn they export to the same markets of the United States the same raw materials and tropical fruits. Consequently there is no reason for active trade between the Central American States, and no direct lines between them could be successfully maintained unless they were extended to the United States. They are now in communication by coasting steamers, which almost all of these countries have established, and which call periodically at their ports. We consider, therefore, in view of actual conditions, that we shall have to accept the existing service as the only one that is practicable at present.

THE PRESENT SERVICE.

While the present lines of steamers between the ports of the United States and those of the countries bordering on the Gulf of Mexico and the Caribbean Sea furnish a tolerable service, an objection is found in the length of time consumed in making the voyages; and as much could be gained by the establishment of faster lines of steamers or the substitution of faster steamers for the slow ones now on the existing lines, we recommend that the number of sailings be increased and that the rate of speed be heightened so that the round trips, or at least that the home voyages, to the ports of the United States be made in the shortest possible time, in order that perishable freights may be preserved.

At present a letter mailed on the 1st of the month in St. Louis will not arrive at Colon before the 15th. It requires two days to reach New York and then, if the steamer sails immediately, the time is reduced to twelve days; but, as the sailings are only three a month, it is oftener twenty days in making the passage, and freight requires a much longer

time, in some cases thirty or thirty-five days. By the establishment of faster and more direct lines of steamers time could be shortened at least one-third and the expense of freight transportation reduced in a corresponding degree.

THE REASON BUYERS PURCHASE IN EUROPE.

But trade is no longer done to any extent by correspondence. The buyer and seller must meet each other. Acquaintance fosters confidence, and confidence is the foundation of all trade. Wherever foreign merchants have obtained mastery in the markets of Latin America it has been by sending agents to study the tastes and the wants of the buyers and to lay before them samples of the merchandise they have to sell and by furnishing prompt and cheap transportation facilities. Commercial travelers from the United States are seldom, if ever, seen in the mercantile cities of the southern countries, and the buyers for those markets seldom visit the warehouses of the merchants of the United States. This is in a large part attributable to the lack of proper means of communication. The merchant of any of these countries can take his state-room upon a swift steamer and after a comfortable and restful voyage spend a month in examining the manufactures and show-rooms of European countries. He can make the acquaintance of those who are seeking his custom and establish his credit and buy whatever he finds suitable for his customers.

It will doubtless be several years before quick lines of communication would become self-supporting; and in order to induce capitalists to invest their means in such enterprises they must be assured of certain assistance for a term of years.

SOUTH AMERICAN CONNECTIONS.

It is impossible to estimate the increase of trade that such facilities for communication and transportation would at once bring to the American republics. The purchasing power of the countries of Central America and the Spanish Main is not alone to be considered, but the west coast of South America has a commerce far above $100,000,000 a year. The distance from the ports of Chili to those of Europe through the Straits of Magellan is nearly 9,000 miles and the voyage requires more than thirty days, while from Peru and Ecuador the distance is much greater. A line of fast steamers from the United States to Colon, in connection with a similar one down the west coast of South America, would bring Valparaiso within eighteen or twenty days of Chicago and St. Louis. London could be reached from Valparaiso by way of New Orleans or New York in much less time than by the direct voyage through the Straits, and the journey would be so much more agreeable that the passenger, as well as the freight traffic, would be to a great extent diverted in this way.

SUBSIDIES PAID BY OUR NEIGHBORS.

From official data before the committee it is plain that the countries bordering on the Gulf of Mexico and the Caribbean Sea appreciate the necessity for direct and quick communication with foreign ports, and for its control in the interest alike of their producers and consumers, and they indicate in their public policies and general convictions that governmental assistance, whether in the form of mail contracts or other-

wise, is essential to the service demanded by public interests. Mexico pays the Pacific Mail Steam-ship Company for the western coast service $30,000 yearly; Guatemala, $24,000; Salvador, $24,000; Nicaragua, $6,000; Honduras, $5,000, and Costa Rica, $12,000, in the form of postal compensation.

PLAN FOR FAST SERVICE FROM TAMPA.

Plans have been discussed by capitalists in this country for the establishment of a direct and rapid steam-ship service between Tampa, Fla., and Mobile, Ala., and the ports of Colon, Port Limon (Costa Rica), and Greytown, Nicaragua. The town of Tampa is situated on the west coast of Florida, 666 miles from Havana and 1,200 miles from Colon, by the measurement of the United States Navy Department. It has a safe and commodious harbor, sufficient to float the largest ships, and without bar or other obstruction at its entrance. The natural advantages of this port have been supplemented by the construction of wharves, docks, hotels, and driveways, and freight can be transported from the railroad cars to the ships at the minimum of time and expense.

The Government of the United States has already established a fast railway mail service between New England, New York, and Pennsylvania, and Tampa, to connect them with the Havana steamers, making the distance from New York City in thirty-six hours, and touching the principal cities of the Atlantic coast, where mails from the West are collected, as the trains pass daily. The distance from Chicago, St. Louis, Cincinnati, and other great cities of the West to Tampa is about the same as that from New York to Tampa and from those cities to New York, and the railway connections are such that a letter from Chicago via Tampa to ports of the Caribbean Sea would have the same advantage of speed and transportation as a letter from New York, and freight from the Western cities for such port would be carried by rail to Tampa as quickly and as cheaply as to New York.

ADVANTAGES FOR WESTERN CITIES.

The distance from Tampa to Colon, taking that port as an illustration, both as to time and mileage, is much less than from New York, the time being five and a half days, while the steamers at present in use between New York and Colon make the journey in eight to nine days. It could not be expected that the exporters of New York would avail themselves of this advantage of time in the shipment of heavy merchandise, for the cost would be much greater if sent part way by rail, but for mail and passengers it would be found very convenient; while the merchants and the manufacturers of Cleveland, Cincinnati, Chicago, St. Louis, and other cities of the West, who produce most of the articles shipped to South America, would not only be able to place their merchandise upon the docks of Tampa in the same time and at the same cost that is required to deliver it in New York, but with much greater convenience and less cost, so far as wharfage and handling at the terminal points are concerned.

The same holds true of merchandise imported into the United States from the southern republics for consumption in the Southern and Western States. The merchants of Chicago, some months ago, sent to the president of this Conference a memorial for the establishment of steam-ship facilities at Tampa, which is in accordance with the forego-

ing facts. The merchants and manufacturers of the southern portion of the United States would derive great benefit by the establishment of the proposed line, and the rapidly developing industries from that section seem to be entitled to special consideration. At the same time, in addition to the advantages already pointed out, all those engaged in trade between the United States and the countries bordering on the Gulf of Mexico, the Caribbean Sea, and the Pacific Ocean would enjoy the great benefits of competition.

With properly constructed steamers, the proposed line would be of incalculable service to those engaged in the shipment of fruit and other perishable articles, which suffer severely from long voyages and bad weather at sea A very large portion of the fruit coming to the United States from Central and South America is consumed in the Southern and Western cities of the United States, and the same is true of coffee, hides, and other merchandise, while the principal articles of export from the United States come mainly from the same cities; the flour from Richmond and Minneapolis, provisions from Chicago, refined petroleum from Cleveland, and furniture from Grand Rapids, while Georgia and the Carolinas, as well as other Southern States, are largely interested in the shipment of cotton goods.

IMPROVED MAIL AND PASSENGER FACILITIES.

But the greatest advantage to be derived from such a line would be the improvement in mail and passenger transportation between the United States and the ports east, west, and south of Colon, the time from New York to the latter port being shortened to five and a half days or six days, if, as suggested, the proposed steamers make a deviation from a direct line from Tampa to Port Limon and Greytown. The voyage from Tampa to Colon, 1,200 miles, would be made by fast steamers in less than five days, and by rapid railway trains either New York or Chicago could be reached from the latter port in six and a half days. Such an improvement upon present facilities for travel is worthy of the careful consideration of the delegates to this Conference and of the governments they represent.

The plan above suggested for a line of steamers from Tampa to Colon proposes that the steamers, if established, shall visit the city of Mobile regularly to deliver and receive freight after having landed their mail, passengers, and freight at Tampa.

PROPOSED LINE FROM NEW ORLEANS.

There are also many considerations in favor of New Orleans as an outport. The geographical position of New Orleans at the mouth of the Mississippi makes it the natural outlet not only to Central and South America, but to other ports of the world, for the products of the great valley this river drains, which constitute the bulk of the exportable commodities of the United States. The breadstuffs, the provisions, the agricultural machinery and implements, the furniture and petroleum, and the centers of their production are all within convenient distance of water transportation. In many instances the construction of rival railway lines has diverted commerce from natural to artificial channels, but the difference in distance from Chicago and St. Louis to the ports of the Gulf and the Caribbean Sea via New Orleans is so great as to offer advantages over New York as an outport that could not be overlooked if proper steam-ship facilities to these ports were furnished.

There are already several lines of steam-ships of a comparatively insignificant tonnage between New Orleans and the Central American ports. They represent a growing sentiment and a growing sympathy which should be encouraged and fostered by the several Governments interested. These steam-ships have already done much to increase the exports as well as the imports of New Orleans, but they have been established and sustained by private enterprise, the assistance given them by the United States Government having been so small as to be unworthy of consideration compared with the aid extended them by some of the Spanish-American Governments.

It has been maintained before the committee that the portion of the United States most interested in the development of direct traffic between New Orleans and the ports of the Gulf and the Caribbean Sea is that which suffers most from overproduction. and has until now been the least interested in the expansion of foreign trade.

NATURAL GEOGRAPHICAL ADVANTAGES.

New Orleans is the terminus of six trunk lines of railway and of 20,000 miles of river navigation. It is the largest port of entry in the South. Its imports during the last fiscal year amounted to $15,400,000. Of that sum $10,400,000 was composed of five articles, all of which came from Central and South America, namely, coffee, sugar, fruit, hemp, and india-rubber.

As before stated, the Central American countries already pay a good deal to maintain the existing transportation facilities on the western coast of the continent.

Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, the Republics of Colombia, and of Venezuela bordering upon the Gulf of Mexico and the Caribbean Sea, can be reached by moderately fast steamers from Tampa, Pensacola, Mobile, New Orleans, or Galveston in from three to five days. These countries contain a population of 20,000,000 people, while the population of the United States approximates 65,000,000. It would be difficult to overestimate the benefits that would accrue to all of these States from prompt, regular, and economical means of mail, passenger, and freight transportation.

In view of these facts and of their proximity and of the small amount required to furnish ample facilities, it seems incredible that the Governments at interest have so long delayed the establishment of such facilities. It is doubtful if anywhere upon the globe there exists an equal opportunity for accomplishing commercial results as beneficial to 85,000,000 people as could be secured at the small cost involved in establishing first-class communication between the ports of these States, and it is confidently expected that the Governments of the several countries named, when attention is properly directed to this subject and when the small cost of adequate service is pointed out, will adopt the necessary measures to secure it. Experience demonstrates with reference to transportation facilities:

First. That they should be frequent, rapid, regular, and economical.

Second. That they should be under the control of or friendly to the interests which they are supposed to serve.

And, as before stated, the policy of many of the Governments interested shows that government assistance for the new lines contemplated is regarded as essential from the fact that it requires several years before speedy lines of communication become self-sustaining.

RECOMMENDATIONS AS ADOPTED.

In view of the proximity of all the ports of the Gulf of Mexico and the Caribbean Sea, the advantages that would accrue from increased social, commercial, and international intercourse, their dependence upon proper communication, the improbability that this will be established by unaided private enterprise, the duty of Governments to promote public welfare, the small public expenditures required to secure adequate mail, passenger, and freight facilities, and the necessity for their control by the countries whose interests they should subserve, the International American Conference recommends to all the nations bordering upon these waters the granting of Government aid in the establishment of first-class steamship service between their several ports upon such terms as they may mutually agree upon with reference (*a*) to the service required, (*b*) the aid it is necessary to extend, (*c*) the facilities it will severally afford them, (*d*) the basis upon which they are to contribute, (*e*) the amount that each is to pay, (*f*) the forms of agreement between the several Governments and the nature of contracts with steam-ship companies necessary to the successful execution of a general plan for such service.

APPENDIX A.

Statement showing the means of communication between the ports of the United States and those of the east coast of Mexico, Central America, Colombia, Venezuela, Hayti, and Brazil, the time required by each line of steamers, the frequency of sailings, the sums of money paid annually to each line for transportation, and the amount of mail transported during the fiscal years ended June 30, 1888, *and June* 30, 1889.

[Foreign lines are marked with an asterisk (*).]

1. TO MEXICO.

a. New York and Cuba Mail. New York to Vera Cruz (via Havana, Progreso, and sometimes Frontera and Campeche)—Average time, ten days; four times a month:
Amount paid during fiscal year ending June 30, 1889, $1,138.97.
Amount of mail transported, 1889, 4,652 pounds; 1888, 2,938 pounds; increase, 1,714 pounds.

b. Morgan Line, New Orleans to Vera Cruz.—Average time, three and one-half days; twice a month:
Amount paid during fiscal year ended June 30, 1889, $77.05.
Amount of mail transported 1889, 94 pounds; 1888, 58 pounds; increase, 36 pounds.

c. Thebaud Line, New York to Progreso.*—Average time not known; sailing irregular; about once a month:
Amount paid during fiscal year ended June 30, 1889, $15.35.
Amount of mail transported 1888, 216 pounds; 1889, 160 pounds; decrease, 56 pounds.

(*d*) *New York and Yucatan Line,* New York to Progreso.*—Average time not known; sailing irregular; about once a month:
Amount paid during fiscal year ended June 30, 1889, $2.73.
Amount of mail transported, 1888, 55 pounds; 1889, 44 pounds; decrease, 11 pounds.

(*e*) *Spanish Transatlantic,* New York to Vera Cruz* (via Progreso).—Average time, ten days; twice a month:
Amount paid during fiscal year ended June 30, 1889, $28.96.
This line was not used in 1888; amount of mail conveyed in 1889, 466 pounds.

RECAPITULATION.

To Mexico, five lines; about ten sailings a month.
Total amount paid during fiscal year ended June 30, 1889, $1,263.06.
Total amount of mail carried in 1889, 5,416 pounds. Increase over 1888, 2,149 pounds.

1. TO CENTRAL AMERICA.

(a) *Royal Mail, New Orleans to Puerto Cortes* (via Belize and Livingston).—Average time, six days; five times a month.
Amount paid during fiscal year ended June 30, 1889, $3,926.91.
Amount of mail transported in 1889, 19,030 pounds; 1888, 18,596 pounds; increase, 434 pounds.

(b) *Morgan Line, New Orleans to Bocas del Toro.*—Average time not known; twice a month.
New Orleans to Bluefield.—Average time, six days; twice a month.
Amount paid during fiscal year ended June 30, 1889, $725.16.
Amount of mail transported, 1889, 2,925 pounds; 1888, 1,891 pounds; increase, 1,061 pounds.

(c) *Otori's Pioneer Line, New Orleans to Truxillo* (also to Ceiba, Ruatan, and Utilla).—Average time, four days; four times a month:
Amount paid during fiscal year ended June 30, 1889, $628.71.
Amount of mail transported, 1889, 3,544 pounds; 1888, 2,078 pounds; increase, 1,465 pounds.

(d) *Honduras and Central American line.* New York to Greytown* (via Kingston, Jamaica).—Average time, seven days; twice a month:
Amount paid during fiscal year ended June 30, 1889, $390.12.
This line was not used in 1888. Amount of mail conveyed in 1889, 5,713 pounds.

(e) *Atlas Line,* New York to Port Limon* (via Kingston and Colon).—Average time not known; three times a month: (see also under 3, Colombia):

(f) *Costa Rica and Honduras Line,* New Orleans to Port Limon.*—Average time, seven days; three times a month:
Amount paid during fiscal year ended June 30, 1889, $602.62.
Amount of mail transported, 1889, 8,160 pounds; 1888, 4,790 pounds; increase, 3,370 pounds.

(g) *New Orleans and Central American Line,* New Orleans to Truxillo.*—Average time, four days; twice a month:
Amount paid during fiscal year ended June 30, 1889, $50.15.
Amount of mail transported, 1889, 637 pounds; 1888, 221 pounds; increase, 416 pounds.

RECAPITULATION.

To Central America, seven lines; about twenty-three sailings a month.
Total amount paid during fiscal year ended June 30, 1889, $6,322.67.
Total amount of mail carried in 1889, 40,009 pounds; increase over 1888, 12,460 pounds.

2. TO COLOMBIA.

(a) *Pacific Mail Steamship Company, New York to Colon.*—Average time, eight days; three times a month:
Amount paid during fiscal year ended June 30, 1889, $24,160.84.
Amount of mail transported, 1889, 148,630 pounds; 1888, 116,408 pounds; increase, 32,222 pounds.

(b) *Atlas Line,* New York to Savanilla* (via Colon and Cartagena).—Average time, thirteen days; three times a month:
Amount paid during fiscal year ended June 30, 1889, $2,140.79.
Amount of mail transported in 1888, 27,336 pounds; in 1889, 26,932; decrease, 404 pounds.

(c) *Spanish Transatlantic,* New York to Savanilla* (via Santiago, Cuba).—Average time, thirteen days; once a month:
Not used during fiscal year ended June 30, 1889.

RECAPITULATION.

To Colombia, three lines; about seven sailings a month.
Total amount paid during fiscal year ended June 30, 1889, $26,301.63.
Total amount of mail transported in 1889, 175,562 pounds; increase over 1888, 31,818 pounds.

4. TO VENEZUELA.

(a) *Red "D" Line, New York to Laguayra* (via Curacoa); branch line to Maracaibo.—Average time ten days; three times a month:
Amount paid during fiscal year ended June 30, 1889, $5,733.81.
Amount of mail transported, 1889, 27,775 pounds; 1888, 23,773 pounds; increase, 1,002 pounds.

(*b*) *Thebaud Line,* New York to Ciudad Bolivar.*—Average time eleven days; once a month:

Amount paid during fiscal year ended June 30, 1889, $40.47.

Amount of mail transported 1889, 806 pounds; 1888, 554 pounds; increase, 252 pounds.

RECAPITULATION.

To Venezuela, two lines; four sailings a month.

Total amount paid during fiscal year ended June 20, 1889, $5,774.55.

Total amount of mail transported in 1889, 28,581 pounds; increase over 1888, 1,254 pounds.

5. TO HAYTI.

(*a*) *Clyde Line, New York to Cape Hayti.*—Average time, seven days; once a month:

Total amount paid during fiscal year ended June 30, 1889, $1,614.70.

Amount of mail transported in 1888, 5,955 pounds; in 1889, 1,388 pounds; decrease, 4,567 pounds.

(*b*) *Atlas Line, New York to Port au Prince.*—Average time, seven days; three times a month:

New York to Jacmel and Aux Cays (via Kingston, Jamaica).—Average time not known; twice a month.

Amount paid during fiscal year ended June 30, 1889, $2,140.79.

Amount of mail transported, 1889, 8,800 pounds; 1888, 4,639 pounds; increase, 3,161 pounds.

During the fiscal year ended June 30, 1889, there were irregular sailings from New York to Hayti by various other steamers, to which was paid the total sum of $148.64, and which conveyed 799 pounds of mail.

RECAPITULATION.

To Hayti, two lines; six sailings a month.

Total amount paid during fiscal year ended June 30, 1889, $3,904.13.

Total amount of mail transported in 1889, 28,329 pounds.

6. TO BRAZIL.

(*a*) *United States and Brasil Steamship Company, Newport News to Rio de Janeiro and Santos.*—Average time to Rio de Janeiro, twenty-four days; once a month:

Amount paid during fiscal year ended June 30, 1889, $13,722.90.

Amount of mail transported, 1889, 69,648 pounds; 1888, 68,240 pounds; increase, 1,408 pounds.

(*b*) *Red Cross Line:* New York to Para, Ceara, and Pernambuco.*—Average time not known; about once a month.

Amount paid during fiscal year ended June 30, 1889, $110.47.

Amount of mail transported, 1888, 2,190 pounds; 1889, 1,216 pounds; decrease, 974 pounds.

(*c*) *Booth Line, New York to Para, Maranham, Ceara, Manaos.*—Average time not known; about once a month.

Amount paid during fiscal year ended June 30, 1889, $165.70.

Amount of mail transported in 1889, 1,511 pounds; 1888, 1,004 pounds; increase, 507 pounds.

(*d*) *Sloman's Line,* Baltimore to Rio de Janeiro.*—Average time not known; about once a month:

Amount paid during fiscal year ended June 30, 1889, $643.45.

Not used in 1888; amount of mail conveyed in 1889, 10,257 pounds.

RECAPITULATION.

To Brazil, four lines; about four sailings a month.

Total amount paid during fiscal year ended June 30, 1889, $14,642.52

Total amount of mail transported in 1889, 82,632 pounds.

N. B.—Mails for Uruguay, the Argentine Republic, and Paraguay are conveyed by the above lines to Rio de Janeiro and thence to Montevideo and Buenos Ayres by steamers of foreign lines.

There are occasional sailings from New York for Montevideo and Buenos Ayres direct, but they are so rare and occur at such irregular intervals as to be practically of no value to the mail service.

Nothing is known at this office regarding the number and character of the steamers employed on any of the above lines, nor as to their accommodations for passengers.

APPENDIX B.

Special report on Colombia submitted to the committee by the Delegate, Mr Climaco Calderón.

Hon. MANUEL ARAGÓN,
Chairman of the Committee on Communication on the Gulf of Mexico and the Caribbean Sea:

SIR: I have the honor to present to the committee of the International American Conference of which you are chairman the following information relative to Colombia, requested by you in your note dated the 23d of last December. At the same time I beg to submit to the consideration of the committee some observations which I deem necessary for the proper understanding and appreciation of said information.

The maritime communication between Colombia and the United States is at present carried on by the following steam-ship lines: Atlas, Pacific Mail, Spanish Transatlantic, and Red D Line.

The first is an English line, established some time ago, whose steamers call regularly at the ports of Carthagena and Savanilla, which are the principal ports of Colombia on the Atlantic. This line dispatches two vessels regularly every month from New York, and in them is carried the greater part of the goods exported from this country to Colombia destined for the Atlantic coast and the markets of the departments of Antioquia, Tolima, Cundinamarca, Boyacá, and part of Santander, in the interior. On the return voyage they bring the greater part of the articles imported from Colombia into the United States, which they take on board at the ports of Savanilla and Carthagena.

The American line called Pacific Mail dispatches a steamer regularly on the 1st, 10th, and 20th of each month to the port of Colon. The only articles of American production carried by this line to Colombia are those consumed in the department of Panama, which includes the entire Isthmus, and the department of the Cauca on the Pacific. The importations of this latter department are entered at the ports of Buenaventura and Tumaco, to which all the merchandise transshipped at Panama is carried by the vessels of the Pacific Steam Navigation Company and of the recently established South American Steamship Company.

The Spanish Transatlantic Company only sends one vessel a month to Colombia. The steamers of this line touch at Havana and other ports of the Island of Cuba, and carry merchandise to the Colombian ports of Carthagena, Savanilla, and Santa Marta.

The steamers of the American line known by the name of Red D Line, sailing regularly between New York and the Venezuelan ports of La Guayra and Puerto Cabello, do not put in at any Colombian port, but they carry the American products which are imported into the northern part of the department of Santander in Colombia, and carry to New York the articles which that region exports to the United States. These steamers touch at Curaçoa, and from thence the merchandise destined to a considerable part of Venezuela and the department of Santander are transported to the port of Maracaibo in steamers of the same line. At Maracaibo the same vessels take on board the products exported from this part of Colombia to the United States, and those sailing between New York and La Guayra and Puerto Cabello take them on board at Curaçoa, together with those which, in a more limited quantity, are sent to the same market from the province of Padilla in the Colombian department of the Magdalena.

The postal service between Colombia and the United States is carried on by these same lines of steamers, although the Spanish Transatlantic line does but little of it on account of the length of its route and the slowness with which they necessarily carry the mail. Colombia also has a postal system well established and organized, but subject to the obstacles naturally offered by the undeveloped condition of its interior means of communication.

With regard to telegraphic communication, Colombia has all that is at present needed, considering its present commercial and industrial condition. The length of the telegraphic lines now in operation measures more than 4,600 kilometers, and it may be said that all the towns of any importance, no matter how small they are, can communicate with each other and with all the countries of Europe and America, by means of the cable which touches at the ports of Colon, Panama, and Buenaventura. The telegraphic system of Colombia connects at the north with that of Venezuela, and at the south with that of Ecuador; so that Colombia is at present in possession of easy, frequent, and rapid communication with those two Republics.

The latest statistics published by the Government of Colombia on the exterior import and export trade of the country refer to the year 1887. We find therein that the exports, not including those of the department of Panama, which enjoys freedom from import duty, reached in that year the sum of $14,000,000. The export of natural products from the Isthmus may be estimated at $1,200,000; and it may therefore

be said that the exports of Colombia reached in the year 1887 the sum of $15,200,000 According to official documents published by the United States Government,* the exports of Colombia to that country in the fiscal year ending June 30, 1889, amounted to $4,263,519, without including in this sum the gold and silver, coined or in bullion, imported from Colombia in the same year, which appear in the said documents and amount to $1,642,795. It also appears therein that the exports of the United States to Colombia in that fiscal year amounted only to $3,703,705, or $1,194,298 less than those of the year ending June 30, 1888, in which they amounted to $4,923,259. With respect to the imports brought from Colombia, precious metals not included, it may be observed also that in 1889 they were less than the previous year. It appears, in fact, that in 1888 they amounted to $4,393,258, or $129,739 more than in the year following.

Unlike what has been said of Colombia, Mexico, the Central American Republics, and Venezuela figure in the statistics as having exported more to the United States in 1889 than in 1888. With regard to Mexico it would perhaps not be exaggerating to say that, taking into consideration the total amount of its export trade, the increase is something remarkable, for it appears that in 1889 Mexico sent to this country products to the value of $21,253,601, or $3,923,712 more than in the year 1888, in which it only exported to the United States $17,329,889. The Central American Republics, which, in 1888, exported to the United States $7,623,378 worth, are put down in 1889 for $8,414,019; that is, with an increase of $790,641 The increase of the exports of Venezuela is less noticeable, because in 1888 they were $10,051,250 and $10,392,569 in 1889, making a difference of $341,319 in favor of the latter year. The difference between the exports of Colombia in 1888 and those of 1889 is, however, of slight amount ($129,739), and may be easily and satisfactorily explained by the decrease of value in this market of some of the principal articles which Colombia exports. The difference is certainly of value and not of bulk.

According to the recent report of the United States Treasury Department, the exports of Mexico, the Central American Republics, Colombia, and Venezuela to this country during the last ten years are as follows:

Year.	Mexico.	Central America.	Colombia.	Venezuela.
1880	$7, 210, 000	$3, 310, 000	$8, 440, 000	$6, 040. 00
1881	8, 320, 000	3, 160, 000	5, 990, 000	6, 600. 00
1882	8, 460, 000	4, 740, 000	4, 960, 000	5, 750. 00
1883	8, 180, 000	5, 120, 000	5, 170, 000	5, 900. 00
1884	9, 020, 000	6, 160, 000	3, 890, 000	6, 670. 00
1885	9, 270, 000	6, 410, 000	2, 340, 000	6, 310. 00
1886	10, 690, 000	5, 910, 000	3, 010, 000	5, 790. 00
1887	14, 720, 000	7, 640, 000	3, 950, 000	8, 260. 00
1888	17, 330, 000	7, 620, 000	4, 390, 000	10, 050. 00
1889	21, 253, 601	8, 414, 019	4, 263, 789	10, 392. 56

Upon examination of the above table it is evident that the exports of Mexico, Central America, and Venezuela to the United States have increased notably in the last few years, while those of Colombia have decreased. With regard to Mexico, it is seen that the exports in 1889 exceeded those of 1880 by $14,040,000, which means an increase of two-thirds. The exports of the Central American Republics, which in 1880 were only $3,310,000, amount in 1889 to $8,414,000, making an increase of $5,104,000 in the course of ten years. Venezuela, which in 1880 exported $6,040,000, increased its exports $4,352,000 in 1889, since in that year they amounted to $10,392,000. On the other hand, Colombia, which in 1880 exported to the United States products to the amount of $8,440,000 saw its exports reduced in 1889 to $4,263,000, which marks a falling off of $4,177,000, equivalent to one-half.

With regard to the importation of American merchandise, comparing that of 1880 with that of 1889, it is also observed that while those of Mexico, the Central American Republics and Venezuela have steadily increased, those of Colombia have decreased in a marked manner. Mexico, which in 1880 only imported $6,070,000 worth, imported $10,890,000 worth in 1889, and there was one year (1883) in which its imports amounted to $14,370,000. Those of the Central American Republics, which in 1880 only amounted to $1,730,000, reached $4,150,000 in 1889. Those of Venezuela, which were only $2,270,000 in 1880, passed $3,000,000 in 1888, and in 1889 amounted to $3,700,000. Those of Colombia were $5,230,000 in 1880, $5,180,000 in 1881, $6,230,000 $5,970,600 in 1887, $4,920,000 in 1888, and $3,730,000 in 1889. There was, therefore, a

*Annual report of the Chief of the Bureau of Statistics on the foreign commerce of the United States for the year ending June 30, 1889.

said that the railway and steam-ship have already decided that in the future there will be but one market for cereals—the world; and he adds that abnormal prices in one country or market, or excessive reserves in one center or another, will be surely and rapidly neutralized and controlled by the influence of all countries and markets.

But the improvement and progress in the means of communication which produce these results, and by bringing together the remotest regions make the world a single market and level and equalize prices, far from diminishing, widen and deepen the line which separates civilized countries from those which have not reached an equal degree of prosperity and development. Doubtless these less-favored countries participate also, although in a very limited way, in the benefits which such transformation has produced. Considered in their relation to the rest of the world, it is observed that those countries which lack railways actually obtain, at a lower price than formerly, foreign articles of necessary consumption. The reduction in the cost of production and in maritime fares explains the reduction in prices.

But, as producers and exporters, the only influence which might help to lower the cost of transportation of their commodities to foreign markets and allow them to contend with the competition of those who produce them under better and more favorable conditions, is not always felt, because their limited trade offers no field to competition and generally falls into the hands of steam-ship lines which monopolize it and impose upon it excessive burdens, thus reducing to the least figure the earnings of the exporter. Undoubtedly, the countries which are found in such condition possess great advantage in the fact that the maritime communications at their service may be more rapid and convenient and, especially, cheaper. But, more than new lines of steam-ships and great facilities for maritime communication, these countries need railways, which shall develop their domestic trade, and shall enable them to inmport the heavy and bulky apparatus which their industry lacks, and transport to the sea-coast their agricultural products and the fruits peculiar to their soil; the dye, cabinet, and timber woods which abound in their forests, and the ores of their inexhaustible veins.

The export trade of these countries is not limited by the lack of maritime transportation, but by the production which finds in the absence of railways the principal obstacle to its development. The day in which it shall increase there will be no lack of steam-ships to contend in the ports for the freight which will arrive there for foreign markets, and that will bring from the latter the products which shall be sent in return. New lines of steam-ships which may be established now will divide the existing traffic, but will not increase it. Colombia desires to possess better and more convenient means of communication with the United States than she actually has, but her foreign trade can not support more steam-ships than those employed now. She desires cheaper and better means of transportation, but not in greater number. If her production and export trade increase, her maritime communications will surely improve, just as Venezuela has seen hers improve with the growth which her exports have lately experienced.

CLÍMACO CALDERÓN,
Delegate from Colombia.

WASHINGTON, *January* 27, 1890.

CABLE SERVICE.

Mexican, Central, and South American Telegraph Company rates via Galveston.

Countries.		From any point in United States east of the Rocky Mountains.	From any point in United States west of the Rocky Mountains.	From any point in Louisiana and Texas except Galveston, from which deduct 5 cents from following rates.
		Per word.	*Per word.*	*Per word.*
Salvador Guatemala Honduras	Libertad *	$0.72	$0.72	$0.68
Nicaragua Costa Rica	San Juan del Sur †	.97	.98	.93
United States of Colombia	Panama	.97	.98	.93
	Colon	.97	.98	.93
	Buenaventura ‡	1.09	1.10	1.05
Ecuador	St. Elena	1.74	1.75	1.70
	Guayaquil §	1.74	1.75	1.70
Peru	Payta	1.89	1.90	1.85
	Callao	1.83	1.84	1.78
	Lima	1.72	1.73	1.68
	Mollendo	2.44	2.45	2.40
Bolivia, all points		2.09	2.10	2.05
Chili	Arica	2.25	2.26	2.21
	Iquique	2.25	2.26	2.21
	Antofagasta	2.25	2.26	2.21
	Caldera	2.25	2.26	2.21
	Serena	2.25	2.26	2.21
	Valparaiso	2.25	2.26	2.21
	Inland stations in Chili	2.25	2.26	2.21
Argentine Republic	Buenos Ayres and other places in the Argentine Republic	1.82	1.83	1.72
Uruguay	Montevideo and other places in Uruguay	2.00	2.01	1.96
Paraguay	Asuncion and other places in Paraguay	1.82	1.83	1.78
Brazil	Rio Grande	2.09	2.10	2.05
	Sta. Catarina	2.09	2.10	2.05
	Desterro	2.09	2.10	2.05
	Santos	2.09	2.10	2.05
	Pernambuco	1.69	1.70	1.65
	Maranham	2.59	2.60	2.55
	Pará	2.59	2.60	2.55
	Ceará	2.59	2.60	2.55
	Other places North of Rio	1.89	1.90	1.85
	Other places South of Rio	2.09	2.10	2.05

* To all places beyond Libertad in Salvador, Guatemala, and Honduras add 5 cents per word in addition to the rates to Libertad.

† To all other places beyond San Juan del Sur in Nicaragua and Costa Rica, add 5 cents per word in addition to the rate to San Juan del Sur.

‡ To all places beyond Buenaventura in United States of Colombia, add 5 cents per word in addition to rate to Buenaventura.

§ To all other places in Ecuador, 10 cents per word in addition to the rate to Guayaquil.

Inland Government line stations in Brazil, 15 cents to be added to coast station rates.

In Central and South America addresses, the name of places, such as Buenos Ayres, Buenaventura, will be counted as one word, irrespective of the ten-letter or compound word rule.

Cable rates (per word) via Cuba, West Indies, and Windward Islands.

Stations.	East of Mississippi.	West of Mississippi.
Nicaragua	$2.50	$2.50
Costa Rica	2.54	2.64
San Salvador (La Libertad)	2.57	2.67
Guatemala	2.62	2.72
Honduras	2.62	2.72
Mexico:		
Salina Cruz	2.76	2.86
Hayti:		
Mole St. Nicholas	1.67	1.77
(To other places in Hayti charge 25 cents for additional postage.)		
San Domingo:		
All points	2.17	2.27
Island of Curaçoa	2.25	2.35
South America.		
Venezuela:		
La Guayra	2.24	2.52
All other points	2.43	2.53
United States of Colombia:		
Buenaventura	2.57	2.67
Other places	2.62	2.72
Aspinwall (Colon)	.97	.97
Panama	.97	.97
Ecuador:		
Guayaquil	2.82	2.92
Santa Elena	2.82	2.92
South America—continued.		
Peru:		
Payta	$3.00	$3.10
Lima and Callao	3.17	3.27
Havana	.50	.60
Cienfuegos (see note)	.44	.54
Santiago (see note)	.44	.54
Jamaica	1.35	1.45
Porto Rico	2.08	2.18
St. Thomas	2.17	2.27
St. Croix	2.22	2.32
St. Kitts	2.35	2.45
Antigua	2.41	2.51
Guadaloupe:		
Basse-Terre	2.49	2.59
Point-à-Pitre	2.51	2.61
Capesterre	2.51	2.61
Dominica	2.55	2.65
Martinique:		
Fort-de-France	2.60	2.70
St. Pierre	2.60	2.70
St. Lucia	2.66	2.76
St. Vincent	2.73	2.83
Grenada	2.83	2.93
Barbadoes	2.84	2.94
Trinidad:		
Port of Spain	2.94	3.04
Other places	2.96	3.06

NOTE.—To the word rate to Cienfuegos add $2.25 for ten words or less and 22 cents for each word over ten. To the word rate to Santiago add $3.00 for ten words or less, and 30 cents for each word over ten.

Cable rates per word from London to Central and South America.

	Rate.
South America.	
Argentine Republic	$1.72
Bolivia:	
La Paz	3.47
All other offices	1.88
Brazil:	
Pernambuco	1.47
Fortaleza, Maranham, Pará, and all offices between Pernambuco and Pará (Region du Nord)	1.67
Rio de Janeiro and all offices between Rio and Pernambuco (Region du Centre)	1.67
All offices south of Rio (Region du Sud)	1.88
Chili	2.16
Colombia (United States of):	
Buenaventura	4.66
Colon	4.70
Panama	4.70
All other offices	4.70
Ecuador:	
St. Elena and Guayaquil	4.37
Paraguay	1.72
Peru:	
Arequipa, Islay, Mol'endo	3.35
Puno, Callao, and Lima	3.80
Payta	4.37
Uruguay:	
Montevideo, etc	1.96
Central America (via Brazil).	
Costa Rica	6.55
Guatemala	6.78
Honduras (Independent)	6.78
Nicaragua:	
San Juan del Sur	6.49
All other offices	6.55
San Salvador:	
La Libertad	6.72
All other offices	6.78

NOTE.—To ascertain the cost of a cablegram from Washington to the above-mentioned offices in Central and South America via London, 28 cents per word, the rate to Great Britain, Ireland, France, and Germany from Washington, should be added.

APPENDIX C.

STATEMENT OF WILLIAM H. T. HUGHES, OF NEW YORK.

The CHAIRMAN (Mr. Aragon). The committee will proceed at once to the consideration of the business before it. The committee is sitting to-day for the purpose of inquiring into the feasibility of extending commercial relations between the United States and the countries bordering on the Gulf of Mexico and the Caribbean Sea. Gentlemen have come before us to-day for the purpose of giving us their ideas in respect to this matter, and we will proceed with the hearing, taking the views of each gentleman in his turn.

We will proceed first with the hearing of Mr. William H. T. Hughes.

Mr. HUGHES. Mr. Chairman, I did not come here prepared to make an argument before your committee. I came to this city with the idea in my mind that the Committee I was to meet to-day was the Committee on Communication on the Atlantic. I prepared a paper to read before that committee. The theories I advance in my paper, so far as steam-ship lines are concerned, are substantially the same as I would advance to you. If your committee would like to hear it read, I will do so.

The CHAIRMAN. Upon the general topic I suppose your paper would apply as well to the subject before us as to the subject before the Committee on Communication on the Atlantic.

Mr. HUGHES. This paper applies as well to this committee as to the other. The main object of this Conference, as I understand it, is to develop trade between the United States and the countries south of us, and to bring the peoples of this great hemisphere into more friendly relations with one another;—and it seems to me that the most important part of the work of the Conference, if my idea of its object is correct, devolves upon the Committee on Communication. No trade can be developed to any extent without constant, rapid, and frequent communication between the countries desiring to trade together. To develop trade between any two nations it is, in my opinion, absolutely necessary that the people of those two nations should intermingle and exchange views, study each other's wants, and become intimately acquainted. So long as there is no communication of a good, rapid, and cheap nature there will be no trade. To illustrate my idea I would say that while the distance from New York to Philadelphia is far greater than that to many small towns in its immediate vicinity, Philadelphia is virtually nearer New York than these towns. Why? Because there are fast and comfortable trains at a reasonable price every half hour during the day to Philadelphia, and if I want to go there to attend to some business I can start out in the afternoon from New York, attend to my business, and be back at my own home at my usual hour of retiring. Whereas to the smaller towns around our great metropolis, did I wish to go there in the afternoon it would be necessary for me to stay all night, I believe in the same way, in fact I know it to be so, that if I could run down to Buenos Ayres in fifteen days instead of thirty-five or forty, as it would take me with the present facilities, in good steamers, at a reasonable rate of passage, I should make the trip at least once a year, perhaps twice, have a talk with my correspondents, get to know them and their wants better, and have a more intimate knowledge of the business which I was doing, and of the standing and financial responsibility of my correspondents, which is in itself the basis of all business

I firmly believe that had we had for the past five years a line of steam-ships running from New York to Monte Video and Buenos Ayres in fifteen or sixteen days the business relations between the two countries would have been so extended that there would have been no necessity for the Conference which you gentlemen from the Argentine Republic and Uruguay are to-day attending. The only American line of any importance on the Atlantic is the United States and Brazil Mail Steam-ship Company, which has had to struggle hard to keep afloat, and which sails from New York for Brazilian ports only about once every twenty or thirty days, and by being forced to touch at so many ports to eke out an existence destroys its usefulness as far as the development of trade is concerned, owing to the amount of time that it takes between its terminal points. The schedule time, for instance, of the ship which left New York on the 8th instant makes her due at Rio Janeiro on the 4th of February, or, say, twenty-seven days, and this, to my mind, entirely destroys her usefulness as a trade developer. The question naturally arises, if this is so, why do they not run faster? Simply because the trade is not yet sufficiently developed to pay for separate lines being run from New York to all the different ports at which it touches, and capitalists are naturally averse to putting their money into any enterprise from which an immediate revenue can not be derived, and which would show a heavy loss before any profit could be anticipated. It therefore becomes necessary for the Governments interested in developing trade between their various countries to come to the aid of

the merchant marine until such time as the business shall be sufficiently established to make the line self-supporting. The policy and success of Great Britain in developing trade with her colonies and with foreign countries has fully proven that this theory is a correct one. Germany and France are to-day following in these foot-steps. Italy is paying handsome subsidies to fast steam-ship lines to such countries as her people trade with, and even Spain is to-day a liberal supporter of steam-shiplines to all parts of the world.

Last March I had the pleasure of submitting my views as to "How to develop our trade with the countries south of us" to the Business Men's Republican Association, of the city of New York, and shall hand your committee a copy of that address for their perusal. I firmly believe that the views therein submitted are correct; that the best and speediest way of establishing such lines as we require is the one suggested in that address, viz: that the Government guaranty to the stockholders in the companies which may be formed to run such lines as are required, a given percentage on their capital; but I am told by men more experienced in legislative matters than I am that it would be impossible to get such a guaranty from our Congress.

The bill now before Congress, known as the "tonnage bill," and which is in part based upon the French bill of a like nature, already in successful operation, will no doubt materially aid the development of the American merchant marine, but in special instances where a long distance and rapid service is required I fear that it will be necessary to make some arrangement whereby a greater compensation than that suggested in the bill referred to, viz: 30 cents per registered ton for every one thousand miles sailed shall be given. At all events for four or five years, until such time as the steam-ship shall have made the business.

I have lately given some time to the study of the establishment of a direct steam-ship service between New York, Uruguay, and the Argentine Republic, and have gone so far as to get out plans and estimates for the ships that I consider best adapted to such service, and believe that if the tonnage bill passes I shall be able to carry out my project, provided I can also get some assistance from the governments of the Argentine Republic and Uruguay. These ships, with the speed that I propose to give them, making only one stop for coal and provisions on the road would, on a careful estimate, leave a loss to the owners, until such time as the freight and passenger traffic was fairly developed, and it seems to me that it will be money well invested for the Governments of the United States, Argentine Republic and Uruguay to jump into the breach and meet such loss, as once the trade is developed the countries themselves would be the gainers.

My idea has been to build three ships, of an average speed of 16 knots, with which, with proper facilities for prompt handling of cargo at Montevideo and Buenos Ayres, I could probably make a departure about every twenty days from New York; but to properly extend the business there should be a direct departure from New York to the River Plate at least once every ten days, or even once a week, but to bring this about at the rate of speed indicated, and with boats of a suitable size, would require a capital of between $5,000,000 and $6,000,000, and unless liberal support could be counted upon from the governments interested, I am afraid that the requisite capital would be difficult to obtain. I know that this project is looked upon by many so-called bright business men as a visionary idea; but all men who have attempted to start anything a little ahead of their times have been called visionary. When my good friend, Hinton Rowan Helper, first spoke to me about his great railroad project from end to end of the three Americas, I not only thought he was visionary, but I seriously considered whether it was not my duty to apply to the proper authorities to have him confined in a lunatic asylum. I now think that he was simply a man a little ahead of his time. I apologize to him for my previous views, and firmly believe that if I am allowed to remain on this earth for ten years longer I shall live to see his great project realized, and that we shall step into a vestibule train on the Pennsylvania Railroad at New York and run through without change of cars to my native city of Buenos Ayres. If this can be done, may it be my privilege to pave the way for this far greater enterprise by aiding its development with the establishment of a steam-ship line worthy of connecting the two greatest republics of the world.

John Roach, the greatest Irishman that ever came to America, whose memory should be enshrined in the heart of every man who takes an interest in the merchant marine of America, was called a dreamer and a lunatic, and was crushed in his declining years by the political scheming of men unworthy of the honor of latching his shoes, but his spirit still lives, and the magnificent line of coasters on our eastern shores, and the fleet of cruisers we have just sent abroad to carry our flag across the Atlantic, are the greatest monuments to his memory. I had the privilege of calling him my friend, and if any effort of mine can aid in extending that line of American ships down the east coast of South America, yes, and through the Straits of Magellan, and up the west coast again to the entrance of California's Golden Gate, I shall feel that his friendship was not wasted upon me, and that the seeds that his patriotism, energy, and indomitable zeal have sown have borne good fruit.

Should the governments interested coincide with my views and aid in the establishment of such lines as are necessary, let them insist on a fast service and a low rate of passage; the freight rates will take care of and equalize themselves. The banking facilities required to aid in the development of commerce will naturally follow the establishment of rapid communication, and the intermingling of the people, which rapid communication and low passage rates would bring about, would develop the trade.

The only countries with which we to-day do a large business, and for which we are not dependent on London for banking facilities, are Cuba and Mexico. Why? Because we have constant and rapid communication with those countries; because the people intermingle and know one another, and because the constant intercourse has taught them that they can buy what they want in the United States, and that we can make the goods and machinery they require as well as any European nation. As an apt illustration, that rapid and frequent communication and friendly intercourse is the best and only mode of increasing commercial relations, is the fact that in 1880 our exports of machinery and agricultural implements to Mexico only amounted to about $400,000, and that in less than ten years they have increased to $4,000,000.

The point now arises, from what port in the United States should the lines of steamers I have suggested start? To this there is but one answer, viz, New York. Boston, Philadelphia, Baltimore, and New Orleans will all argue that if the Government subsidizes steam-ships, they should all be entitled to the same advantage as New York, but this is not so, for New York is the central point, and there is where the ships will get the most of their freight and the most of their passengers, and until such time as the trade shall be sufficiently extended to warrant the establishment of lines from other ports, I claim that all the lines I have suggested should run from New York to the ports indicated.

Let us hope, gentlemen, that before the opening of the great international exhibition of 1892 in the city of New York, all these steam-ship lines shall have been established, and that all you gentlemen delegated to this Conference, and thousands upon thousands of your countrymen, will visit us and so enlarge our commercial, and friendly relations as to prove the wisdom and forethought of the able minds that inaugurated and brought about this Conference, which shall live in history as one of the greatest events known to the world.

Service between this country and South America or Central America by sailing vessels will not do. That was tried for years and years and it failed. As an illustration I will state something that I know thoroughly. For instance, take crushed sugar, which is manufactured in the United States. At one time I exported large amounts of crushed sugar to South America. Why do I not do it now? Because they have to cable for crushed sugar, and if it goes in a sailing ship it is indefinite when it will arrive, and it is apt to get damp in transit. The correspondent in South America, on the other hand, can cable to France or England, where there are steamers leaving every few days, and they will know just when that sugar will get there and that it will get there in good condition too, and of course my business is cut out. They can cable from South America to France or England thirty days later than cabling to me and get their sugar before I can get it there.

Our banking facilities are bad because we have not the communication. It is a rare thing to see a draft on Europe for merchandise going to Cuba or Mexico, because there is close communication between those countries and ours, and they know each other, and the standing of the people there is known, whereas to deal with a country whose people you know nothing about is out of the question.

Mr. HANSON. Is it not a fact, though, that business in Cuba and Mexico is done on a much shorter time than in the South American states? Are not the credits shorter?

Mr. HUGHES. Not in the business that is done with the United States. It is true the credit system in business with Europe is on longer time, but that comes back to my argument, namely, that the reason for that is because there is more communication with Europe and those South American people, and their standing is thoroughly familiar to the people they are dealing with. I was talking with Mr. Bliss on the subject. He does a little business with South America in dry goods. He told me that if he could jump into a steamer and go there and get back quickly, he would just as soon trust a man there who was good, as a man in the United States who is good. He says, however, that he does not know them, and the reason that he does not know them is that there is no communication. For instance, if you wanted to go down there and went aboard an Atlas steamer and looked at it, perhaps you would conclude not to go. If, on the other hand, you could go in a comfortable ship, and you had had a talk with Mr. Aragon, and he invited you to go with him to his country you would do so. You would do so because you could travel comfortably and rapidly. Of course in all business matters we can do more business in five minutes conversation than in five years' correspondence. You can do in ten minutes' conversation with a man what you would do in correspondence in ten years. Again, a merchant likes to deal with

a man he knows. Now, as an instance, I will cite this case: I never met Mr. Aragon before I came here, and if I wanted to know anything about Costa Rica, I would write to Mr. Aragon, knowing he would give me the information I desired. If I had never seen him and did not know what kind of a man he was, and had only heard of him casually, he would not have my confidence like he has it now from personal contact. If I am sitting in my office and a man comes in to see me I form an idea in my mind as to whether I will trust him or not. I can not explain why. It is instinct. You can not form that idea from a man's correspondence.

We do five-eighths of our whole business with the Argentine Republic. After an experience of twenty years as a commission merchant I have discovered that when our correspondent comes up here and remains a few months that we find new things to deal in. He picks up samples of a dozen things and that finally realizes a new business.

Mr. GUZMAN. Of course these steamers must be built in the United States because of the laws of this country not permitting a vessel built in a foreign land to carry the flag of the United States.

Mr. HUGHES. Yes, sir; they must be built here.

Mr. GUZMAN. Is your idea that this assistance shall come in the shape of a subsidy, or a mail contract?

Mr. HUGHES. My idea is that the best way to do it is for the Government to lay out different routes of steam-ship lines and guaranty a percentage on the capital. That can not be done; the thing has been carefully studied here by the people interested and we have come to the conclusion that the only relief for the merchant marine that can be got through Congress is the tonnage bill. We have had several meetings and we have discussed it among men well posted, and it seems to me that is the most feasible thing that can be got through Congress.

Mr. GUZMAN. Is there not a bill now before the Senate which was presented by Senator Frye, looking to this sort of thing?

Mr. HUGHES. Yes, sir; I see by the papers that there is such a bill. I have not read it.

Mr. GUZMAN. And then there is a bill authorizing the Postmaster-General to enter into contracts with steam-ship lines for carrying the mails from the United States. Now is not such a contract practically a subsidy?

Mr. HUGHES. Yes, sir; it is a subsidy.

Mr. GUZMAN. And in any shape that a subsidy is established it will answer the purpose?

Mr. HUGHES. Yes, sir; in any shape.

Mr. GUZMAN. Whether by a mail contract, or upon a tonnage basis, or in any other way?

Mr. HUGHES. Yes; the basis of the whole thing is this, that there is not business enough to support the ships that are required for the purpose of developing the trade. What we want is to increase the speed and bring the countries closer together.

Mr. GUZMAN. If the subsidy comes in the shape of mail contracts to carry the mails of the United States only, then the United States would have to pay for it?

Mr. HUGHES. Yes, but you can make a contract with the other countries to carry their mails back. The United States mail is the mail out. According to the postal convention, I believe, every country has to take care of its own mail. The United States paid the Brazil line a subsidy some years for carrying their mail.

Mr. GUZMAN. Let us suppose that a line of steamers is established from New York to Colombia and then enters into a contract to carry United States mails, and they receive so much a year for the same. Then Colombia, on the other hand, must pay so much for bringing their mail here.

Mr. HUGHES. That is what Colombia ought to do. It ought to be done jointly in some manner so that the Governments may insist upon a certain power and certain speed. Let them guaranty a given time between this port and that port, and provide for a forfeit if the steam-ship line does not live up to its contract.

Mr. GUZMAN. But a steamer from New York to Aspinwall would not only carry the Colombia mail, but mails that would come that way from all parts of South America.

Mr. HUGHES. Well, it would depend upon how much each Government is benefited.

Mr. GUZMAN. And you will have to calculate how much service each country received from that line in order to ascertain the proportion of subsidy each company should pay?

Mr. HUGHES. Yes.

The CHAIRMAN. About what size ship do you think would be required for the kind of service you indicate?

Mr. HUGHES. A steamer half the size of the one you saw launched the other day would be sufficient. That ship cost, ready for sea and with a speed of something over 15 knots, about $460,000. That includes, of course, cabin fittings, etc., ready to go to sea.

Mr. GUZMAN. So far as you decrease the size of the vessel, you at the same time decrease its speed, do you not?

Mr. HUGHES. Not necessarily, because you can pu. the power in to drive anything fast. Of course you would require more power, comparatively, to drive as fast a shorter than a longer steamer.

Mr. GUZMAN. What is the difference between the price of coal in the United States and in England?

Mr. HUGHES. There is no difference. The nominal price of soft coal is $3.50 a ton alongside the ship. In buying it by yearly contract for a steam-ship line you do better than that. It costs $225,000 a year per ship for the coal used in the Gulf trade. That is for passenger ships.

Mr. HANSON. It will not be practicable to run steamers to all the ports on the Carribbean Sea and Gulf of Mexico in order to get quicker communication between there and here, because it would require too many lines. What do you think of putting on station steamers that would collect the traffic at the minor ports and take the same to the central port where these fast steamers touch?

Mr. HUGHES. That is a failure. The rehandling knocks around the freight too much. Costa Rica has a large fruit trade that could be developed with the United States if that country had fast communication with this country; but every time the packages are knocked about the fruit is damaged. The more ports you call at the more you destroy the use of that boat as far as the development of trade is concerned.

Mr. HANSON. The question is, whether the business is sufficient to justify a large number of lines. If you had station steamers to collect the fruit, for instance, and bring it to a central point, would not the development of that system overcome to some extent the drawback of the deterioration of the fruit on account of extra handling? I mean, of course, with this quicker service that we speak of.

Mr. HUGHES. In the fruit business, of course the speed of delivery is what you want. You not only damage fruit by keeping it tied up for a long time, but you also damage it by handling.

Mr. HANSON. Are those small boats that run to Greytown?

Mr. HUGHES. They are pretty tough specimens. There is another advantage in having fine boats between those countries and this. If you send a fine American-built boat to those ports, the people of those countries will go aboard it and examine it. You will find that these South American people have quite a mechanical turn about them, and they judge your capability by the manner in which your boat is built.

HOW TO DEVELOP OUR TRADE WITH CENTRAL AND SOUTH AMERICA.

[A paper read by William H. T. Hughes at the first general meeting of the Business Men's Republican Association of the city of New York, March 8, 1889.]

What is the fundamental question of the many now agitating the minds of our leading thinkers and legislators? I claim this question to be the labor question. Some of you may not agree with me, but for the sake of argument I ask you to admit it for the present. If the labor question is the fundamental question, how are we to solve it? By finding employment for all our surplus labor. How are we to find employment for our surplus labor? By keeping all our factories, mills, ship-yards, iron furnaces, and manufactories running on full time, and if necessary building more. How are we to do this? By finding a market for our surplus products that we can not consume at home, and thus enable the manufactories to keep up the price of the article at home to a paying basis. Where is the market for our surplus products to be found? In South and Central American countries, the business of which naturally belongs to us. How are we to get the business of these countries, and how are we to induce them to stop consuming the products of Europe, to which they have been accustomed for so many years, and induce them to take ours in their stead? By opening up communication with them, by inducing their citizens to visit us, and by showing them that we can furnish them what they require as well or better than England, France, Germany, and other European countries with whom they have heretofore been doing all their business; by showing them that we can furnish them with good cotton goods, honestly made of good cotton that will stand washing, and that is not filled with gums and fuller's-earth to increase their weight; that we can furnish them with good, honest axes, made of good steel, and good hardware of all descriptions, good provisions of every kind; that we can furnish them with locomotives, railroad cars, lumber, plows, mowers, reapers; yes, and steam-ships if they want them. In all of which they will find good value for money, and all of which we can make adapted to their requirements better than any nation on earth. But I hear you say, "How can we do all these things?" "How can we get the business of these countries?" "How can we induce their citizens to visit us when we have no steam communication with them to bring them to our shores, and no banking facilities to aid us in

the transaction of business such as they find in any large European city?" That is just where I want to get. We have no steam-ship communication with them, and we have no banking facilities to aid us in doing business with them. These two things are the key to the whole situation, and give us the reason why our European neighbors have almost entirely cut us out in the supplying of our South and Central American cousins. Without steady, regular, and speedy transportation, and without banking facilities, business with any foreign country is an impossibility. Now, then, what is the most economical and expeditious manner of obtaining these two requisites to the development of our foreign trade?

(1) Let Congress enact a law appointing a commission of merchants of recognized ability and integrity; men who are beyond the idea of using their appointment to promote a job of any kind; men whose standing in the community will be sufficient guaranty to the public that what they do or recommend to be done will not be for the benefit of any section or ring, but for the benefit of the country at large, and men who thoroughly understand what is requisite to develop this South and Central American business. And let this commission of merchants thoroughly study the question, and advise the Government as to what lines of steam-ships are required to develop the business with the various important business centers in Central and South America. Let them lay out all the routes required to open up the trade, then let Congress pass a law authorizing the President or the Post-Office Department to advertise for a fast and regular service to these ports weekly, fortnightly, or monthly, as may be required, and let the Government guaranty to the stockholders in the company or companies, which may be formed for this purpose, 10 per cent. on their capital for ten years. Let me say here in explanation that 10 per cent. on the capital of a steam-ship company is not excessive, as it is perfectly fair to allow 5 per cent. for depreciation. To compensate the Government for this guaranty let it require that the rates of passage be kept at a figure so low that it will induce travel to our ports. The freight rates will take care of themselves, or rather, I might say, will be taken care of by the British ocean tramp, who is always careful to be on hand when a good freight is going, or when any one else has built up and developed a good business. Let them require that the ships be built in the best manner, of great speed, 16 to 18 knots, if you please, or even more; let them be built in such a manner as to be a credit to our country, and the flag which they carry, and that they shall meet all the requirements of the Navy Department for fast cruisers or commerce destroyers, and in the event of war let the Government, in consideration of their guaranty, have the right to take these vessels should they need them, either at a fixed price for purchase or at fixed price for charter at the time they may require them. This will do away with the necessity for a naval reserve bill and provide the Government in case of war with the finest fleet of fast cruisers in the world at a comparatively small expense.

(2) Let Congress give a special charter for a bank with capital sufficient to enable it to have agencies in all the principal cities of Central and South America, this being requisite of the charter, and, if necessary, let us guaranty, this bank, 3, 4, or even 5 per cent. on its capital, which should not be less than $10,000,000, to enable it to do the business that would be required of it—the capital of the banks engaged in this South American business in London alone far exceeding any such amount as I have named, and all of whom are to-day doing a profitable business. Take, as an instance, The London and River Plate Bank (limited), in London, whose business is exclusively with the Argentine Republic, having branch banks in Montevideo, Buenos Ayres, Rosario de Santa Fé, and Cordova, which, during this last fiscal year, paid the stockholders 15 per cent. besides passing a round amount to its reserve fund. And this is only one of the several banks in London devoted to the business between Great Britain and the Argentine Republic.

(3) As soon as we have established our steam-ship lines and our banks, and thus shown the people of these countries that we desire to trade with them, and have furnished the means to develop this trade, let us appoint capable men as ministers to these countries. Instead of spending their time attending dinner parties and flirting with the ladies, let these gentlemen earn their salaries by negotiating reciprocity treaties with these countries, and endeavor to carry out the principle which the lamented Arthur endeavored to inaugurate with the Cuban treaty, so ably negotiated by our ex-minister to Spain, the Hon. John W. Foster, but which the Democratic President withdrew from the Senate as one of his first official acts, because it did not meet the views of that enlightened and distinguished gentleman who has so ably filled the post of Secretary of State during his administration, and who has succeeded in making us the laughing stock of almost every civilized government.

Suppose all this to have been done. What would be the result?

(1) We should open the eyes of the people of these countries to the fact that we existed as a great nation, capable of building our own ships and doing our own carrying trade, a fact which many of them may well have reason to doubt, as our flag is at *present almost* if not quite unknown to most of them, and I think I can safely say,

although it may be a chestnut to many of you, that England has fully demonstrated the fact that commerce follows the flag.

(2) By having good, safe, speedy, and cheap means of travel to our ports, the people of these countries would be induced to visit us instead of going to Europe regularly, as great numbers of them now do, and their visits would lead them to look around our manufactories and examine our wares and products; and I may here say that an experience of over twenty years in the export trade from the United States to these countries has taught me that one intelligent foreign merchant coming to us is worth to our business community more than twenty American drummers sent to his. One of the great curses of our foreign commerce has been the irrepressible and irresponsible American drummer, who went abroad at the expense of a number of our manufacturers to have a good time, and who promised every thing but did little or nothing. As a whole, a more thoroughly incompetent set of men than those our manufacturers have chosen to send abroad, especially to South America, to represent them, would be difficult to find, their principal aim having seemed to be, as far as my experience has gone, and I have met a great many of them, to show foreigners how many cocktails they can consume, how well they can make a milk punch, in what a superior manner they can play poker, and how little they knew, not only of the business they were about, but the A B C of a common business education.

(3) We should show these foreign nations that we are capable of doing our own business and of attending to our own affairs financially, and without the aid of our good cousin John Bull; and this is another thing they have had good reason to doubt, as heretofore, whenever we have bought any thing from them we have been obliged to send them a letter of credit from some of our London bankers, and whenever they wanted to buy any thing from us they have been obliged to send us a similar document.

(4) We should divert into our own pockets the millions of dollars which we annually pay foreign vessels for carrying our goods, to say nothing of the few millions which we annually pay to the London banker for kindly aiding us to do our foreign business. Perhaps many of you are not aware that on every thing we import and export we pay these kind gentlemen in London a commission varying from one-half of 1 per cent. to 2 per cent., and when you take into consideration the total amount of exports and imports of this country, this is no small sum, to say nothing of the amount of freight which we pay to foreign vessels.

(5) By negotiating reciprocity treaties with the various countries of South and Central America, we should increase our business with them, and while so doing at the same time gradually reduce our revenue, and thus decrease our surplus without the necessity of any radical free trade measures. The absurdity of the free trade mania and the advantage of reciprocity, or, if I may so call it, fair trade, between nations, can be easily illustrated. Take for instance, our trade with Brazil; we admit their coffee, which is their principal product, free of duty, while they collect an export duty on every pound we consume. Now, I venture to assert it as a fact, that if we notified Brazil that unless she agreed to admit our lumber, flour, petroleum, and manufactured goods free of duty, or at all events materially reduce the present duties and remove the export duty from coffee, that we should put a duty on her coffee, she would do so at once.

Take, again, the Argentine Republic. If we should propose to this Government to admit their wool free of duty in exchange for their admitting our principal products and manufactures free, or at greatly reduced rates, it would be accepted beyond a question. And so with the various other governments. In this way we could get what raw material we required free, and have a good market for the goods produced from this raw material which we could not consume ourselves.

But there is one thing we must do if we want New York, the great metropolis of this land of 60,000,000 to become, as she should become, the business center of the world. We must do away with the antediluvian laws which require that a merchant should pay a penalty for keeping goods in store in New York or any other port in the United States beyond one year, and which also require, when he enters these goods for consumption, he should pay on the weight of the goods as weighed at the time of their arrival, without any allowance for damage or shrinkage. This is alone sufficient to divert any amount of business from us and place it in European ports, where they are far more liberal. Do away with these absurd old laws made by our forefathers in 1790, and New York will become the distributing point for all the products of this hemisphere. This will give cargoes to our steam-ship lines, business to our merchants and store-houses, and employment to our laborers.

And now let us look into the question as to what all this that I have suggested would cost us. On a rough estimate, to cover all the different business centers in South and Central America, both on the east and west coast, with steam-ship lines such as I have suggested, would require a company or companies with a capital aggregating about $40,000,000. It is perfectly safe to assume that these lines would at least pay their way; therefore, the amount which as a maximum the Government

would have to pay would not exceed $4,000,000 per annum. The guaranty to the bank, which it is natural to suppose, owing to the difficulty of establishing agencies and re-arranging the rates of exchange between all these countries, might not make any money for the first two or three years, might amount at the outside to $3,000,000 per annum. Total cost to the Government of the United States, and therefore to the people, $7,000,000 per annum for say ten years. What is this expenditure compared to the benefits that would be derived, assuming our population to-day to be 60,000,000, or say less than 12 cents per capita per annum?

Supposing my theories—I will hardly admit that they are theories—to be correct, what would be the effect on the country? Our laborers would all be employed and well paid for their labor. This means happiness and contentment to the people. Our looms would be running on full time; our factories of all kinds would be fully employed; our ship-yards would be increased to such an extent that we would again assume the proud position that we held years ago, and the American flag would proudly wave in every port of the globe. Our people would be happy; socialism and strikes would be unknown, and the American eagle would spread his protecting wings over the smaller republics on this great continent, and we would be recognized the world over as having assumed a position that should long ago have been ours—of the greatest nation on the earth. Let us, as good business men and good Republicans, endeavor to bring about these results, and then let us have a parade to celebrate the event greater than the one that we claim elected Harrison and Morton, and the Business Men's Republican Association of the city of New York will be written down in history as the greatest benefactor this country has ever known.

Total amount of exports and imports of merchandise of the United States during the last fiscal year.

Exports	$695, 954, 507
Imports	723, 957, 114

Total amount of exports of gold and silver for the year ending June 30, 1888.

Exports	$46, 414, 183
Imports	59, 337, 986

A statement showing the value of the foreign commerce—imports and exports of merchandise and specie—of Central America, the West Indies, and South America.

Countries.	Year.	Imports.	Exports.	Total imports and exports.
CENTRAL AMERICA.				
Guatemala	1886	$3, 537, 000	$6, 736, 000	$10, 273, 000
Costa Rica	1885	3, 661, 000	3, 297, 000	6, 958, 000
Honduras	1884	1, 500, 000	1, 600, 000	3, 100, 000
Nicaragua	1885	2, 800, 000	2, 443, 000	5, 243, 000
San Salvador	1884	2, 646, 628	6, 065, 799	8, 712, 427
British Honduras	1885	1, 240, 257	1, 188, 789	2, 429, 046
Total Central America	.....	15, 384, 885	21, 330, 588	36, 715 473
West Indies	1885	110, 202, 756	124, 109, 990	234, 312, 746
SOUTH AMERICA.				
Guiana, French	1885	3, 763, 500	3, 474, 000	7, 237, 500
Guiana, Dutch*	.....	.....	.....	.....
Guiana, British	1885	7, 141, 015	8, 763, 705	15, 904, 720
Venezuela	1886	9, 103, 478	15, 884, 728	24, 988, 206
United States of Colombia	1886	14, 000, 000	8, 000, 000	22, 000, 000
Ecuador	1886	(1)	3, 014, 409	3, 014, 409
Peru	1884	11, 064, 744	7, 958, 625	19, 023, 369
Bolivia	1885	6, 150, 000	10, 463, 845	16, 613, 845
Chili	1885	40, 096, 000	51, 259, 000	91, 355, 000
Argentine Republic	1886	97, 658, 000	69, 834, 000	167, 492, 000
Uruguay	1886	20, 195, 000	23, 812, 000	44, 007, 000
Paraguay	1886	1, 621, 000	1, 571, 000	3, 192, 000
Brazil	1886	107, 835, 819	106, 449, 044	214, 284, 863
Falk-Isles	1885	235, 120	476, 168	711, 288
Total South America	.....	318, 863, 676	315, 960, 524	634, 824, 200

* Data not obtainable. (1 Not obtainable.

Trade in domestic merchandise between the United States and Central and South America, year ending June 30, 1888.

Countries.	Imports.	Exports.
South America:		
Argentine Republic	$5,902,159	$6,099,411
Bolivia	(*)	21,893
Brazil	58,719,234	7,063,892
Chili	2,894,520	2,422,803
Ecuador	1,118,627	810,567
Guiana:		
British	2,822,382	1,651,711
French	12,424	140,086
Dutch	430,983	264,096
Peru	309,040	865,160
United States of Colombia	4,393,258	4,923,259
Uruguay	2,711,521	1,337,430
Venezuela	10,051,250	8,008,336
Central America:		
Costa Rica	1,608,979	1,064,549
Guatemala	2,085,967	887,771
Honduras	959,331	672,796
Nicaragua	1,496,171	861,156
San Salvador	1,473,480	645,302
The West Indies	71,585,666	26,968,636

* No data.

The latest obtainable data of the imports and exports of domestic merchandise of the United Kingdom, France, Germany, Spain, Italy, Belgium, and Holland to and from the Central American states and South America.

Countries.	Imports from—	Exports to—
THE UNITED KINGDOM.*		
United States of Colombia	$1,436,036	$4,572,120
Venezuela	705,044	2,194,237
Brazil	16,843,612	29,536,876
Argentine Republic	8,011,894	25,259,942
Uruguay	2,015,719	6,104,869
Chili	11,083,147	7,829,882
Peru	8,103,311	4,204,933
Central America	5,436,085	3,306,648
Spanish West Indies	656,061	8,467,919
FRANCE.		
United States of Colombia	3,491,071	4,205,552
Venezuela	3,500,421	678,441
Brazil	19,717,384	10,566,502
Argentine Republic	38,392,784	18,487,487
Uruguay	7,502,244	3,395,907
Chili	2,338,071	2,316,008
Peru	4,156,708	1,399,492
Spanish West Indies	2,608,188	872,123
Central America	936,896	120,421
GERMANY.		
United States of Colombia	(†)	(†)
Venezuela	(†)	(†)
Brazil	928,914	3,147,312
Argentine Republic	11,256,448	3,060,442
Uruguay	(†)	(†)
Chili	2,634,898	793,368
Peru	$1,408,484	$293,936
Spanish West Indies	866,796	292,264
Central America	(†)	(†)
SPAIN.		
United States of Colombia	64,993	211,247
Venezuela	707,016	148,267
Brazil	176,369	97,513
Argentine Republic	1,980,939	3,455,051
Uruguay	648,891	2,422,312
Chili	28,382	1,526
Peru	147,425	15,250
Spanish West Indies	9,473,533	13,610,573
Central America	9,914	17,136
BELGIUM.		
Brazil	5,007,578	2,744,469
Uruguay	4,895,831	(†)
Argentine Republic	10,637,002	2,110,262
Chili and Peru	2,214,482	558,928
ITALY.		
Central and South America	4,593,014	5,825,126
HOLLAND.		
Peru and Bolivia	2,896,066	804

* Statistics for the United Kingdom are for the year 1886, and the remaining countries for the year 1885.

† No data.

When we compare the values of the foreign commerce of the leading commercial nations of the world, we find that the United Kingdom stands first, Germany second, France third, and the United States fourth in the value of foreign commerce. The value of our import and export trade in merchandise reached its highest point in 1881, when it amounted to $1,545,000,000; it declined to $1,314,900,000, but has increased to $1,419,911,621 in 1888.—(*Government Report.*)

APPENDIX D.

STATEMENT OF MR. WILLIAM A. SCHREIBER, OF NEW ORLEANS.

Mr. SCHREIBER. I was called very suddenly to Washington to have the pleasure of meeting you, and I left without being at all aware of the nature or purpose or scope of your investigation. Therefore I am entirely unprepared to address you at length, and indeed I do not know that any remarks that I may possibly make would be within the scope of your inquiry.

My thought had been running upon this line; that the purpose of your investigation was to seek some means of increasing the commercial relations between the United States and the countries south of it through the Gulf ports. If that is your purpose I may have something to say. If it is simply postal communication, I have nothing at all to say, because I am not familiar with that subject. I assume that if the commercial relations between the two parts of the continent have not been wider than they have, the fact arises from no unwillingness to trade. I think that both sides are anxious to trade with each other. If the trade has been restricted it is owing to causes which will be investigated in due time and I hope remedied.

In the present condition of the commerce between Central and South America and the United States, if the question arises as to which is the Gulf port best suited as the point at which the products of the two countries will be exchanged, I suggest that a glance at the map will show at once that that point is New Orleans, being on the direct line of communication with the countries south of us and the valley of the Mississippi. New Orleans is the outlet of six lines of railroads, and has 20,000 miles of river navigation penetrating to the heart of the country, and extending to the sections of the United States that receive most of the imports we get from these countries.

New Orleans is by far the largest importing port in the South. Its imports during the last fiscal year amounted to $15,400,000. Of that, $10,400,000 was composed of five articles, all of which came from Central or South America—that is, coffee, sugar, fruit, hemp, and India rubber. I have the figures with me, taken from the last reports of our custom-house. We have the proper connections already established. I think we have fourteen steamers running between New Orleans and the various ports of Guatemala, Nicaragua, Costa Rica, and Honduras. We have lines of steamers connecting with Mexico and a line to Havana. They bring $950,000 yearly, in round numbers, of imports. Our imports are composed of fruit coming from Costa Rica, Honduras, and Nicaragua. With a little encouragement I believe a regular line would be put on between New Orleans and Colombia. An attempt was made in that direction some few years ago, with which I was connected. It was started with insufficient means and had to be given up, but the little experiment showed that with the least encouragement an enormous traffic could be built up between Cartagena and New Orleans. We have evidence of that by correspondence from that country, and I believe the same would apply to Venezuela.

A fast steam-ship line, such as Mr. Thompson has described, would not require 16 knots an hour. A line making 14 or 15 knots an hour, running between New Orleans and Cartagena, having a tender running east from Cartagena—or two tenders—would help the traffic very materially.

Mr. CALDERON. What articles do you bring from those countries?

Mr. SCHREIBER. Principally coffee. We are the outport of St. Louis, which is the largest interior coffee market in the world. We also import a great deal of cabinet-woods, dye-woods, and fruits from those countries. Cartagena is a little too far for fruit. Any service between that port and New Orleans would have to be a separate one.

Mr. GUZMAN. Do you know anything about the distance between New Orleans and those South American ports?

Mr. SCHREIBER. I could not tell you exactly, but New Orleans is certainly the nearest port that you could come to. It is on a direct line, as you see by the map.

Mr. GUZMAN. Let us say that it is 1,400 miles from New Orleans to Port Limon; in how many days would you make that?

Mr. SCHREIBER. It depends upon the speed.

Mr. GUZMAN. Well, at 350 miles a day?

Mr. SCHREIBER. Four and one-half days.

Mr. GUZMAN. That would bring us within six or seven days from New York to Greytown?

Mr. SCHREIBER. Very easily, with a good class of boats.

The CHAIRMAN. With first-class boats it certainly should not take more than five days. It is about 2,026 miles from New York to Port Limon.

Mr. GUZMAN. I am sure that from New York to Greytown it is not more than 2,000 miles. A steamer ought to run that distance in six days at the most.

Mr. SCHREIBER. I do not think that you will find the distance from New Orleans to Greytown more than 1,200 miles. A good steamer ought to run from New Orleans to Greytown in three days.

Mr. GUZMAN. Do you know the distance between this city and Chicago by rail, or the distance from New York to Chicago? I know it requires about twenty-four hours to make the run.

Mr. SCHREIBER. The distance is about 912 miles. I would suggest that there has been a revolution in the method of transportation of late years. The question now is no longer how much it will take to bring a pound of freight from one point to another point, but how much it will take to carry that pound of freight from its point of production to its point of consumption. Therefore, the question which presents itself to us here, taking Cartagena, the port for coffee, is not what it will cost from Nicaragua to Tampa or Mobile, but how much it will cost to take that pound of coffee from the point of original shipment to St. Louis or Chicago. If that is the question, New Orleans is undoubtedly the cheapest point; it is the nearest.

The CHAIRMAN. This is a question that can not be taken absolutely. What would be the advantage of one of those countries sending all its coffee to New Orleans? New Orleans is a very small market.

Mr. SCHREIBER. Yes, but the West is the consumer of the coffee.

The CHAIRMAN. But transportation by rail is not as cheap as transportation by ship.

Mr. SCHREIBER. As I said, the great consumer of coffee is the West. I believe 70 per cent. of our coffee is consumed in the West, and probably 60 per cent. of that amount is consumed in a section of country west of a straight line drawn from Chicago to New Orleans, taking Chicago as the central distributing point for the Northwest. The distance from Chicago to New York, as has been said here, is 912 miles. It is 914 miles to New Orleans. As you move west from that line you go farther from New York, but not farther west from New Orleans. The central distributing point of coffee and tropical products is west of the Mississippi, at a point which is as far from Chicago as New Orleans. Kansas City is 100 miles nearer New Orleans than Chicago. The traffic which has been established between New Orleans and Central America indicates pretty well what the line of traffic should be.

Mr. CALDERON. What do you suggest in order to increase the traffic and communication between New Orleans and the countries you refer to?

Mr. SCHREIBER. If the traffic is to be carried on by us there will have to be some compensation offered by the Government to induce people to put on American ships, which are much more expensive to keep up and to run than British or other foreign ships. With the slightest encouragement and the slightest assistance I have no doubt that New Orleans will put on a line itself.

Mr. CALDERON. Do you think the export trade would be increased by a line from New Orleans?

Mr. SCHREIBER. I have no doubt it would.

Mr. CALDERON. Do you think New Orleans could compete with New York in that line?

Mr. SCHREIBER. New Orleans could undersell New York in several articles; that is, New Orleans could place those articles in South America cheaper than New York could.

Mr. CALDERON. What are your principal exports to South America?

Mr. SCHREIBER. Machinery, flour, salt meats, hay, and things of that sort.

Mr. CALDERON. And furniture, I suppose?

Mr. SCHREIBER. And furniture.

Mr. HANSON. You say that American ships are a great deal more expensive to buy and operate than British ships, or other foreign ships. We understand that is because it costs more for building the ships, and also because it costs more to run them on account of the higher wages?

Mr. SCHREIBER. Wages are better, and the American seamen expect to be better treated and better fed than foreign sailors.

Mr. HANSON. The Government forces a system upon these people, who are compelled to pay more money and therefore should have assistance; that is, the Government should extend the principle of protection to this business as it does to the manufacturers?

Mr. SCHREIBER. That is the only sort of protection and the only form of protection that I advocate, because it comes back to us in the shape of increased trade. The protection we give to foster manufactures is a dead loss.

Mr. HANSON. I differ with you on that. Another thing, we are not here to argue that.

Mr. SCHREIBER. I say that the protection we pay in the encouragement of steam-ship lines would bring back to us more than the tax that we are called upon to pay.

Mr. HANSON. The fact is that this trade with foreign countries has come to be a question of Government competition rather than private competition?

Mr. SCHREIBER. Yes, sir.

Mr. HANSON. Germany, England, France, and Italy are all paying great sums in subsidy for steam-ship lines to an extent that would pay the interest on half of our national debt.

Mr. SCHREIBER. I know of one company that gets $1,000,000 a year as a subsidy for running a line of steamers between a port in France and a port in the West Indies.

APPENDIX E.

STATEMENT OF S. C. COBB, OF PENSACOLA, FLA.

To the Honorable Committee on Communication on the Gulf of Mexico and the Caribbean Sea:

GENTLEMEN: Pensacola, Fla., situated in latitude 30° 20′ 47″, longitude 87° 18′ 32″, possessesses the finest harbor on the North American Continent, its depth of water at the entrance admitting ships drawing 23 feet at low tide, and it has capacity for five thousand ships to ride at anchor at one time.

Pensacola's position will strike the observer as peculiar and, in the light of modern progress, Providential. She has access by the shortest possible lines now constructed, or under contract, to the coal fields of the Appalachian Range. These products can become the basis of freight for numerous steam-ship lines carrying mail and articles of merchandise for exchange with the near-by ports of Tampico, Vera Cruz, Tehuantepec, Truxillo, Greytown, Colon, and the farther ports of the Brazilian and Argentine Republics.

Pensacola will be nearer to all the principal cities east of the Mississippi and west of the north line drawn through Atlanta than any other port of the United States upon the completion of her lines of communication now under contract. She need not make invidious distinction, for the claims of any other must suffer upon investigation. Steamers from this port can obtain here coal for power and cargo at the same time.

Her gateway to the Gulf is only 7 miles from her wharves, while those other ports which might claim consideration are from 35 to 110 miles from the Gulf, and are reached by tortuous and dangerous navigation.

Pensacola has also a large trade in lumber, already existing, with its neighbors, averaging per annum, to the Argentine Republic, 94 cargoes; to Uruguay, 18 cargoes; to Brazil, 8 cargoes, of 500,000 superficial feet to each cargo; and to the Republics of Colombia, Costa Rica, Honduras, and Mexico, such quantities as would add materially to the requirements of a permanent business, and showing a basis for the suppport of steam navigation not equaled nor approached by any port bordering on the Gulf of Mexico.

These statements are easily verified by the export records at the custom-house, and need no embellishments.

Your attention is called to the fact that we have need of the magnetic iron ores of the Andean Range in order to manufacture steel with economy in Pensacola, there to meet the ores and coal of the Appalachian Range, and the charcoal of Pensacola's vicinity, and under the fostering care of the General Government we shall convert the crude material into shapes for ribs, plates, and all manner of forged material for use in the construction of steam-ships.

We suggest that your committee recommend that, under statutory provision by your respective countries similar to that known as H. R. bill 4663 (with some provisions of Senate bill 1627 added), there may be constructed steamers of 800 to 1,500 tons, to be built under the flag of either country, to receive reciprocal privileges, the same subsidies or bounties, and to be subject to the uses of their respective governments for purposes of defense or naval aid, to be made schools of maritime instruction, as well as aids in commercial development, the purpose being to develop maritime power for the benefit and protection of the "three Americas;" also, to provide for the education of our young men in scientific and mechanical construction.

Pensacola believes she possesses the best location for all mail communication by steam-power in the Gulf, and therefore earnestly desires your personal observation of her facilities, and presents through you her request that the International Congress visit our city and note our advantages.

I present to your honorable body, through the courtesy of Mayor W. D. Chipley, copies of maps showing our relative location.

Most respectfully, yours,

SEWALL C. COBB,
Representing by request the Pensacola Chamber of Commerce.

APPENDIX F.

STATEMENT OF MR. W. B. THOMPSON, OF THE PLANT INVESTMENT COMPANY.

Mr. Chairman and Gentlemen of the Committee: Mr. Plant, whom you kindly invited to attend, appreciates your kindness and regrets that he is unable to be here to-day. Unfortunately, he is sick in bed. He would have esteemed it an honor and a pleasure to have been here to give you his views.

What I may say to you will be of a general nature, based upon my own views and upon views that I have obtained from conversations with him relative to service on the Gulf of Mexico, the Caribbean Sea, and the Pacific Ocean.

In the establishment of fast mail communication between the United States and the countries of Central and South America, it would seem that there should be a division of the service between the different countries, and that this can be done through the medium of the different Postmasters-General.

PROPOSED LINE TO ASPINWALL.

In my opinion, the first thing and the main thing to be done is to establish a line from the United States to Aspinwall. That line should be a weekly service in steamers making not less than 16 knots per hour.

The CHAIRMAN. Allow me to ask where the steamers are to start from?

Mr. THOMPSON. Tampa, Fla. I appear for the Plant Steam-ship Line. We are clear that if there is anything to come of this business (and we are clear also that something should come of it) the United States should take the initiative, and put on that fast line from Tampa to Aspinwall. It should be a weekly service, in ships making, say, 16 knots per hour.

TAMPA.

I believe Tampa, as I said before, to be the best point of departure. I am sure that quicker time can be made from New York and all points in the United States (with some few exceptions) via Tampa, to Aspinwall and all Central America and the west coast of South America than by any other route.

The distance from Tampa to Aspinwall is 20½ miles less than from any other accessible Gulf port. I may say in connection here—perhaps it will be a little out of order—that to go into Greytown, Nicaragua, would take the ship 104 miles out of her way. That is a question to be decided by some other authority than the steam-ship company, whether they shall go in there or not.

The CHAIRMAN. You mean that it makes a diversion in the direct line of travel of 104 miles?

Mr. THOMPSON. An additional sail of 104 miles from the direct line. New York is from thirty-six to forty hours from Tampa, Fla., by the fast mail that the Government already has established, passing through Philadelphia, Baltimore, Washington, Richmond, Wilmington, Charleston, Savannah, Jacksonville, to Tampa, and at different points—railroad intersections—it receives mail from the diverging country to the West and takes it through.

The distance from Chicago to Tampa is about the same as that from New York to Tampa, and Cincinnati, Louisville, St. Louis and other great cities of the West can reach Tampa, as quickly as New York. My object in calling your attention to that fact is that we do not presume to say that we can carry heavy freight from New York to Tampa by rail and thence to Aspinwall to compete with steam-ships that run from New York. Those undoubtedly will continue, and should. But for that portion of the country that lies to the west of Tampa and to the west of this line from New York to Tampa, and that can reach Tampa as quickly, or Mobile, Ala., as quickly as it can New York, with its heavy freight, it is an advantage for them to go that way, because they make time.

The United States has taken the initiative step in this matter of fast mail facilities to Spanish America by the provision already made for the West India fast mail. A special train of the Post-Office Department runs on prescribed schedules from New York to Tampa, a distance of 1,315 miles.

The mails of the day of New England and the entire State of New York, Pennsylvania, and the other surrounding States, are gathered up and leave New York at about 5 o'clock a. m., or, speaking more correctly, 4.35 a. m., going through to Tampa in thirty-eight to forty hours. All along, as I said, the accumulated mails from the section west of this line are taken up and carried to Tampa. And it is carried seven days in the week. Three days in the week the cars run on to the docks alongside of the ship and the mail is transferred from the cars to the ship, and *vice versa* when the ships return three days in the week.

These arrangements and facilities provided already by the Post-Office Department of the United States give ample preparation for the concentration of mails for Central America, and the west and north coasts of South America. It is only left for the postal authorities to make similar arrangements with the railroads leading from junction points on this West India fast mail line to connect the great cities of the West—Chicago, St. Louis, Kansas City, Omaha, Indianapolis, St. Paul, Milwaukee, and Cincinnati—with the shortest possible communication to Tampa, where the mails would then be, as I said before, on the direct line north and south to Aspinwall and Central America. Tampa is about due north of Aspinwall. When I speak of arrangements being made, I refer more particularly to faster time upon the railroads, and faster time than ordinary passenger trains make. The time from New York to Tampa is faster than ordinary trains make. It is the fastest train in the south, and one of the fastest in the United States. In the north some make equally as fast time.

PLANT STEAM-SHIP LINE TO HAVANA.

At the present time the Post-Office Department has a tri-weekly service by the Plant Steam-ship Line, from Tampa, via Key West, to Havana, Cuba. During the summer months, from the 1st of May to the 1st of November, this service is semi-weekly. This contract for mail service to a foreign port is under a special statute that permits the Postmaster-General to combine a foreign office and a domestic office in one route when the foreign office is not to exceed 200 miles from the domestic, and the Havana office is just a little over 100—100½ miles—and comes, of course, within 200, and is combined in that one route.

Mr. HANSON. That is the reason why the Post-Office Department is able to make a more liberal contract for that mail. I never understood that before.

Mr. THOMPSON. Yes, sir.

Mr. HANSON. I know they pay the Plant system more money than for all the mails to Spanish America.

Mr. THOMPSON. I want to explain that.

Key West has been a very expensive office to supply to the United States. It was a large town—20,000 or 25,000 people manufacturing cigars, tobacco, etc., and they cost a great deal of money to supply. They just ran down, chopped the line off, and came back. The Department finally (I was myself in the Post-Office Department, the head of the railroad transportation service for many years, and Second Assistant Postmaster-General) got rid of that service and coupled Havana to the inland steam-boat service.

At Key West they were only 100 miles from a city of 250,000; going down there like a big bull-dog, looking at them, and getting scared, and coming back.

Now Key West is better supplied than ever before, and Havana is well pleased.

Mr. HANSON. You have then a domestic contract to Key West?

Mr. THOMPSON. An inland steam-boat service.

Mr. HANSON. Combined?

Mr. THOMPSON. Yes, sir. The only route of the kind in the United States, and before I get through I shall take occasion to say to you that that is the thing the United States should do between Tampa and Aspinwall.

Mr. HANSON. Well, how far is Tampa from Aspinwall?

Mr. THOMPSON. One thousand one hundred and ninety-eight miles. It would require a special statute.

This contract for mail service to a foreign office is under a special statute. Key West is a large town, and for many years has been an expensive one to supply with mails. For the seventeen years ending with 1886, the average annual cost of supplying that office was $46,914.11. The carriage by this line of our mail to Cuba and Porto Rico is estimated by the Post-Office Department (official figures) to be worth $24,159.07 per annum, at sea and inland postage rates.

The Post-Office Department, for obvious reasons, desired to couple Havana and Key West in one route, and this it was enabled to do under the special act of Congress, before referred to, passed in 1885. Under the present contract the United States pays $58,500 per annum for the service I have described. The United States, however, carries the mails both ways, and collects about $4,500 from the Cuban Government for the mails that it brings to the United States. We act as agents of the United States to collect that money from Cuba and credit it on our contract. As I said, about $4,500 per annum from Cuba for the mails that it brings to the United States and about $3,500 for carrying the mails of other countries to Cuba. That leaves $50,000 for this inland and foreign service, to Key West and Havana. Subtracting from this the cost of the foreign service, $24,159.07, and we have $25,840.93 as the cost of supplying Key West under this arrangement, whereas the average annual cost for seventeen years immediately preceding this contract was almost $47,000.

Mr. HANSON. A great deal cheaper now.

Mr. THOMPSON. Yes, sir. I shall attempt to show you that the same thing can be done between Tampa and Aspinwall.

This line has been continued for more than three years past, notwithstanding the yellow-fever epidemics, which shows that properly built steamers, under proper quarantine regulations, can keep up communication with an infected port and not endanger non-infected ports.

There never has been a case of yellow fever on one of those ships. Not a single one. The quarantine arrangements are perfect. When the ships were built all the suggestions of Dr. Hamilton, of the Marine Hospital Service, were adopted and all the information that Mr. Plant could get. The standing orders are such that any officer or seaman who violates the orders of Dr. Wall, the health officer at Tampa; of Dr. Porter, the health officer of the State of Florida, or of Dr. Burgess, the health officer of the United States Marine Hospital Service at Havana, is subject to discharge, no matter if he is the captain of the ship. Those surgeons or physicians go aboard the ships and make suggestions in regard to cleaning and sanitary arrangements, and if any officer or seaman does not carry them out immediately he is discharged. Again, they have yellow fever, as you know, nearly every summer, although it does not get to be epidemic as it does with us here. A gentleman is in Havana and wants to go to the United States by the Plant Steam-ship Line. The first thing he must buy a ticket of Lawton Brothers, and Lawton Brothers will not sell him a ticket until he brings a clean bill of health from Dr. Burgess, who is the surgeon of the United States Marine Hospital Service located at Havana. He can not get away without that certificate on the Plant ships. When he goes off in the boat to the ship anchored in the bay at the foot of the ladder not only is the purser but the captain, and no man can go up that ladder without a ticket. We never had yellow fever on the ships.

To show you that this thing has been carried out, and to show you that they have had yellow fever there and that the ships kept clear of it, I will say that in May, 1887, yellow fever broke out in Key West, Fla. It was very bad there and continued so until August, when they crushed it out. There was no fever on the ships. Then, the same fall, they had fever at Tampa, but the ships went along the same way. People who went aboard of them had to have a bill of health. No officer or seaman was allowed to go ashore, except perhaps the captain or the purser, who had had the fever; not allowed to go ashore in Havana, nor in Tampa or Key West. In 1888 there was fever at Jacksonville, but there was no fever on the ships, and these mails ran right straight along just as regularly as they did at any other time. When we came down to Waycross, or just above there, an interior point, a locomotive was attached to the mail car and it was taken through to Tampa; over 250 miles, with just enough crew to run the locomotive and mail car, with the mail only in it, and the mail was put aboard the ship. It did not stop at Tampa, but went down to Port Tampa. As you know, that is 10 miles below. And so communication was kept up. I dwell at length on that point to show you that we fully believe that ships can be built and can be so run that they can run to and from an infected port and not infect another port, but the rules must be strict, and they must be carried out without fear or favor.

This line has also established the principle of building ships of high speed, on a light draught, which has been followed by the construction in American ship-yards of other ships of similar design for the commerce of ports not admitting vessels of heavy draught. I will say that the ships of the Plant Steam-ship Line are probably the fastest ships of their draught which carry the American flag to a foreign port. It is no trouble for the *Olivette* to knock off 17 knots hour after hour.

The CHAIRMAN. What is the draught of those ships?

Mr. THOMPSON. Well, about 12 feet. We can lighten them away to 9 if need be. Never want more than 13 feet.

Dr. GUZMAN. What is the tonnage?

Mr. THOMPSON. The *Olivette* is eleven hundred and odd tons; the *Mascotte* between five and six hundred. They are more particularly for light freight and passengers; of course so, running to Havana. The heavy freight does not go by our line at all. It is light freight.

Dr. GUZMAN. They are comfortable for passengers? Very nice?

Mr. THOMPSON. Have electric lights and all conveniences.

The CHAIRMAN. How about the accommodation for carrying bananas?

Mr. THOMPSON. Well, they would not be adapted to carrying a large quantity of bananas. The room is sacrificed for passenger business. The *Olivette*, in summer, runs between Boston and Bar Harbor.

Dr. GUZMAN. Oh, yes. She is a very fine ship. That is the boat that runs between Tampa and Havana?

Mr. THOMPSON. Yes, sir. Runs there all winter, and in summer between Boston and Bar Harbor. These ships were built by Cramp & Sons.

Dr. GUZMAN. How long between Tampa and Havana?

Mr. THOMPSON. Twenty-five hours under the mail contract. We have no trouble in making it. We have waited for the train and made it in less.

From the 1st of May to the 1st of November we perform only two round trips between Tampa and Havana, and the *Mascotte* does that work. Then one ship makes the two trips. In the winter time it takes two ships to make the three trips. So you see that to do the third trip is not as profitable as two trips.

HARBOR FACILITIES AT TAMPA.

Tampa Bay is large enough to hold the navies of the world, well sheltered and protected from storms. The charts of the United States show a minimum depth on the bars of 22 to 23 feet of water.

(Mr. Thompson here showed the chart to the chairman and pointed out the location of Tampa and Port Tampa.)

We are practically in quarantine down there (Port Tampa). We have a train that takes the laborers to Tampa at night and brings them back in the morning. There is nothing there except the wharves, inns, and a restaurant, at which the laborers get necessary meals. When the ships are in port the crews do not eat on them, but go to this restaurant which is owned by the company, and everything is given up to cleaning and putting them in the best possible sanitary condition. The inns are to accommodate the public. It is necessary to have something of the kind there. The inns and restaurant are owned and controlled by the company. The company owns all the land there and controls everything. They do not let anybody live there. Mr. Plant is building a hotel for the Plant Investment Company at Tampa, which he hoped to have done this winter, a brick hotel, one of the most elegant things in the State, the finest except it may be the Ponce de Leon.

Mr. HANSON. Haven't you lots for sale at Port Tampa?

Mr. THOMPSON. No, sir. We want the town where it is and nothing down there for the fever to feed upon. The railroad was extended down and that was one of the objects in doing it.

Mr. HANSON. A very good idea, too, for it minifies the danger of contagion.

Mr. THOMPSON. We claim that we can go to Aspinwall, or any other port. Only make some regulations at that end by physicians who have will power enough to say it must be so, and they will be carried out by the ships and they can run to any port.

There are two entrances to the bay, one on each side of an island, 2 miles long, that stands at its mouth. Egmont Key is the island, and there is a light-house there. Ships going from New Orleans to Tampa pass in at the north passage; going to Key West and Havana pass out at the south passage. The railroad is extended to the docks at Port Tampa, which is about 10 miles from Tampa, so that a passenger can step from a Pullman car to the ship, and *vice versa*. The docks are out about a mile to deep water. Freight is loaded direct from the cars to the ships, and from the ships to the cars, all of which facilitates rapid transit. Ships leaving the docks at Port Tampa can put on a full head of steam and pull away for their destination without slowing up for any cause whatever, and it is only necessary for ships arriving to shut off steam in time to stop at the docks. Ships come and go over the outer bars under a full head of steam.

OUTLOOK FOR A LINE TO ASPINWALL.

Mr. Plant feels the necessity for a line of steam-ships from Tampa to Aspinwall He would prefer to have some company establish that line other than himself or his companies.

Mr. HANSON. But he wants the steamers.

Mr. THOMPSON. He wants the steam-ship line there, and if somebody else would establish the line they should have all the terminal facilities needed in the way of dock and railroad improvements, and anything and everything that any reasonable man can ask. He does not want to do it himself, but wants it done. But if it be not done by others, he will establish a line, provided he receives proper or reasonable encouragement. I want to say here, his idea is that it should not be less than weekly—a weekly line. He will have the ships start from Mobile each trip.

The CHAIRMAN. Will you describe the reasonable facilities that he mentions, or does he only say that in a general way?

Mr. THOMPSON. Only in a general way.

The CHAIRMAN. We should like to have something definite in relation to the line, the establishment of which is recommended by you.

Mr. HANSON. What means of creating that line—what assistance will be required?

Mr. THOMPSON. I will just make a memorandum of that and come back to it, if you please.

At Mobile take on such freight and passengers as there were to go.

Mobile is a very central point and has direct line of communication over the Mobile and Ohio at Columbus, Ky., and St. Louis, Mo. Then it also has the Louisville and Nashville, direct line to New Orleans, and also to Birmingham, Chattanooga, Atlanta,

Macon, and all the country toward the north, so that it is a good place for Western heavy freight. Then the ships would run from there to Tampa. At Tampa they would take on the mails, passengers, and freight, which could be much later than they could get aboard at Mobile. Look at the map——

Mr. HANSON. What is the distance, Mr. Thompson, from Mobile to Tampa?

Mr. THOMPSON. About 300 miles. It takes us a little out of our way. Have to make south to get to Aspinwall and make a little bit east, and run down the perpendicular and base of the triangle instead of running straight, but the intention is to have ships enough so that the time really will be between Tampa and Aspinwall. Each trip the ship will go to Mobile. Mr. Plant already has a line—a weekly line now—between Tampa and Mobile. That will take that up.

Mr. HANSON. What do you think of the policy of having station-ships on the Gulf, on this side and the other side; ships to concentrate the freight and mails at central points, and then make connection across by one main line?

Mr. THOMPSON. I shall say further along.

Mr. HANSON. Then the ship should pull away directly for Aspinwall?

Mr. THOMPSON. To establish lines between all the ports would require too many lines.

Mr. HANSON. The idea is to get quick communication without having so many lines of steamers.

Mr. THOMPSON. Yes. And I would say further, that on the return trip the ship would go to Tampa and put off the mails, so that they could be sent on to their destination by rail. Such passengers as desired to leave the ship at Tampa could do so. If any desired to continue on to Mobile, which would then take another day, they could do that. Then the freight would be discharged at Mobile.

The time by rail from New York to Tampa is from thirty-six to forty hours, and the ships of the Plant Steam-ship Line can make the time from Tampa to Aspinwall in less than four days, which will make the time from New York to Aspinwall about five and a half days, or a little less. Four days from Tampa to Aspinwall is a reasonable time to make. It can be made less than that.

Mr. HANSON. Six days, then, from Aspinwall to New York is a reasonable run?

Mr. THOMPSON. Don't want more than five and a half. As we control the railroad, the ships never go away until the train comes, and the trains do not go away until the ships come, and the same rule would apply to Aspinwall. The train would run to and from the ships.

Four days is a reasonable time from Tampa to Aspinwall and *vice versa*. Regularity is a quantity to be sought as well as speed, and to have the ships perfectly regular, and you know when they are coming as well as you know a railroad train is, is a desirable thing.

Three ships would be required to perform this service with regularity beyond peradventure, and anybody who knows Mr. Plant and knows that he does railroad, express, or steam-ship business, knows that he does it in good square shape. As an illustration. The general manager said early in June, 1887, when the yellow fever was bad at Key West, "Mr. Plant, we are doing no business, and we are running these ships merely to carry the mails. Had not we better throw up and let them fine us?" Mr. Plant said, "No, we agreed to do it, we are able to do it and we will." The ships went on. The general manager was in New York one day and said, "Mr. Plant, something is wrong with the *Mascotte*. We will have to lose a trip." Mr. Plant said, "No, we will not lose a trip. The *Mascotte* will arrive in Havana in time to return as far as Key West. Whatever is the matter she can make across once. We will send the *Margaret* from Tampa to Key West (266 miles) and meet her there. The general manager said, "But there is nobody on the *Margaret* who knows how to run the Northwest Passage." Mr. Plant said, "Here is Captain McKay, of the *Olivette*. Send him down to act as pilot rather than let the trip go." Captain McKay went. That is the way he performs service. I simply tell you this to show that if he starts out do anything he wants to do it well regardless of expense.

The CHAIRMAN. We would like to see Mr. Plant.

Mr. THOMPSON. Mr. Plant will avail himself of the earliest opportunity to see you. As soon as he is able he will go South, expecting to stop here and see you, but if he can not he will see you when you are South. He certainly hopes and expects that you will be at Tampa.

COMPENSATION FOR CARRYING THE MAILS.

In regard to compensation I am unable to state in detail what Mr. Plant's idea would be. I will, however, state my own, which I am inclined to believe he would indorse. The appropriation for the inland steam-boat service, which supplies the domestic service on the inland waters of the United States, is made in a lump sum. The Postmaster-General expends that money in his discretion, and is only controlled by the amount of the appropriation, and he must exercise his own judgment for an efficient service on each particular route. He advertises for such service as is, in his

opinion, most desirable, and accepts the lowest bidder, provided the amount meets his approval. It would seem that the Postmaster-General should be able to exercise the same wise discretion in the foreign service that he does in the domestic, and that the service from Tampa to Aspinwall should be advertised to be performed on schedules named by the Postmaster-General in American-built ships, flying the American flag, making, say, not less than 16 nautical miles per hour, and awarded to the lowest bidder; we think the United States should do that thing, the initiatory measure; the same as is done with the inland steam-boat service, and if, in the opinion of the Postmaster-General, the bid is exorbitant, he would reject it and readvertise the service, as he does in the domestic service, or take some other means of supplying the service that otherwise would have been supplied in that way. We believe that he would be perfectly safe in advertising for the expenditure of $1,000,000 in foreign service, if he is in the domestic service. But the competition in bidding would be greater than in the inland steam-boat service, and I have no doubt that the service would go at a reasonable price, as it does in the inland steam-boat service, and that the amount of money that the Post-Office Department of the United States would collect of other governments for bringing their mails to the United States, and those for foreign countries to be forwarded, would be sufficient to materially reduce the expense of that service, as has been demonstrated in the Cuban service, and will prove highly satisfactory in a mail point of view, as well as in establishing trade relations between the United States and those countries.

ASPINWALL CONNECTIONS.

We have now gotten the mails to Aspinwall. At Aspinwall, of course, arrangements would be made by the United States of Colombia for a connection to the Pacific and by the various governments of the west coast of Central and South America with their steam-ship lines for the distribution of this mail north and south from Panama. In this schedule no provision is made for the mails of Nicaragua or Costa Rica other than the direct service to Aspinwall. Undoubtedly it will occur to the various governments to participate and forward this important mail through arrangements to be made north and east from Aspinwall. If need be the ships of the line between Tampa and Aspinwall could stop, going and coming, in Nicaragua to accommodate the commerce and mails of that state, but it will be seen by the map that this landing would very considerably delay the mails between the United States and other states of Central and South America.

Dr. GUZMAN. Then Port Limon would be placed in the same position. From Greytown to Port Limon is five or six hours' sail by slow steamers. I do not think that it would take more than five or six hours. It is a very short distance.

Mr. THOMPSON. On the arrival of the ships at Aspinwall they should make connection with light-draught ships running north to ports in Central America and others running east, as far as practicable, to ports on the northern coast of South America. The schedules should be so arranged that the ships will make close connections with the railroad from Aspinwall to Panama, there to connect with steam-ships for the western coast of South America as far south as Valparaiso, and others for the western coast of Central America. In this way quicker time can be made from New York and all points in the United States to the countries named than by any other route, and it would open up a line of communication shorter and more frequent than was enjoyed before, which would undoubtedly bring a reciprocal trade.

As I said before, if we are to stop at Greytown—I think that is the best point— it would simply take us 155 miles out of our course and give an additional sail of that distance going and coming, to accommodate the commerce and mails of Nicaragua. Of course we would not want to say that we would go in and make that sail or not. If you wanted us to, of course we would have to have extra time to run that 155 miles.

Regarding what I said, Mr. Hanson, about taking up the subject of the assistance that we would require, I said I would come back to it. My idea is, and I think Mr. Plant would approve it, to put the service up and sell it to the lowest bidder, and so far as competition is concerned, while it might go for more the first time than afterwards, as soon as a good business developed there would be plenty of money invested in ships and we would have all the competition we want, and they would be glad to get to the service. Our interest is to have the ship line to connect with the railroads.

Mr. HANSON. Mr. Plant is interested in railroads rather than steam-ships.

Mr. THOMPSON. The ships are simply an auxiliary to the railroads.

A member asked how far east on the north coast of South America we could go and make time.

Mr. THOMPSON. We are not prepared to say about that. Probably you gentlemen know better than we do.

We believe that mails from New York and the interior, concentrated at Tampa and running down across from there via Aspinwall can make quicker time to Valparaiso than any other way.

Dr. GUZMAN. There is one objection. Central America is trying to improve its communication on the Atlantic. We do not expect to get our mails always by the Pacific Ocean. The people in my country, Nicaragua, used to get mails at Greytown, before the Greytown harbor was destroyed, in six days from New York. The old steamers ran constantly in six days from New York. This mail, as you suppose, going to Aspinwall and then to Greytown would never be there in less than ten days, perhaps more. To subscribe to that on the part of Nicaragua would be to condemn herself to have mails by the Pacific route, which makes the mail from Washington to the capital of Nicaragua two weeks. But we can go up from Greytown, as we have already done with mail from New Orleans, and directly from Greytown to New York. I have received letters by way of Bluefields to the capital city in seven or eight days.

Mr. THOMPSON. As I said before, it is for some other people than ourselves to decide. If they say for us to go in to Greytown, all we ask is time to make the additional distance.

Dr. GUZMAN. I believe this committee is on communication between the countries bordering on the Gulf and Caribbean Sea. These countries are Mexico, which will not be benefited by the arrangement. The United States will of course. Then Guatemala, whose mails are going now and will go in future certainly over the Atlantic. Honduras is doing the same. Nicaragua will do the same. Costa Rica has already done it. There remains only Colombia and the United States to be benefited by the arrangement, and those countries on the Pacific Coast.

Mr. THOMPSON. In regard to that, we can go into those ports. It only takes more time. If you wanted us to go into those ports we would be ready to go in there—to any of the ports that you may see fit—it only takes time.

Mr. HANSON. Your idea is to start from Tampa, call at Greytown, and then to Aspinwall.

Mr. THOMPSON. To go straight away to Aspinwall, or to go straight to Greytown. We do not want to decide that question. We will be glad to go into Greytown. All we want is time enough to make the additional sail.

Mr. HANSON. Which is the more convenient, calling at Greytown going or returning?

Mr. THOMPSON. We would rather go into Greytown on the return trip. We are willing to stop both ways at Greytown, or pull away to Aspinwall as fast as we can and stop at Greytown on the return trip, or at other points in there.

Dr. GUZMAN. At the present time that line would be very beneficial to us, but we would consider it a temporary affair and would do away with it in the near future.

Mr. THOMPSON. Now, doctor, supposing that we were running a line from Tampa to Aspinwall and went straight from Tampa to Aspinwall, discharged our freight, passengers, and mail—would not expect to stop any longer than necessary to comply with the contract—and stopping on the back track at Greytown, Port Limon, and two or three more places after we got in shore. That would give you service one way. Would that be satisfactory?

Dr. GUZMAN. I could not answer that very well. How would the mails go—the Nicaraguan and Costa Rican—how would they go? From Tampa to Aspinwall and then back?

Mr. THOMPSON. I ask if it would be satisfactory for us to run from Tampa to Aspinwall and then go from——

Dr. GUZMAN. And leave the mails on the return trip?

Mr. THOMPSON. Yes, sir.

The chairman here called attention to the map.

Mr. THOMPSON. We have no objection to going into Port Limon after going into Greytown If you will give us time we will have the steamer come in there. Just swing around west of the Island of Cuba and come in here. It takes more time, that is all, but you can get the service in there. It is for you gentlemen to decide; we are ready to do it. We are ready to go into Port Limon and Greytown. We want somebody to decide for us whether we shall or shall not pull away straight for Aspinwall. We leave that to you. (Mr. Thompson here showed the Plant system map to the chairman.) Just pass around west of the Island of Cuba and come in there, 104 miles out of our way, if it be decided to serve Greytown and Port Limon—both as well as one, when once in shore.

MEXICO.

So far as Mexico is concerned, the communication between it and the United States is, as is well known, by rail, and to what extent the commerce of the west coast of that country would require mail facilities with the United States via Panama is best known by the gentlemen of the committee. We do not know about that. It is believed that railroads are being constructed that will in a short time make rail communication between the interior of Mexico and the principal cities on its Pacific Coast.

THE PLANT LINE TO HONDURAS.

The Plant system, at the present time, has a semi-monthly line from Tampa to Punta Cortez, Honduras. This line is experimental for the winter season, and at the present time is carrying mostly fruit. If some other business shall develop and it proves that the line can be made to pay, it will undoubtedly be continued.

Steamers are already running between New Orleans and Honduras, which, if properly compensated, would doubtless render very efficient mail service between the ports of that state and the city of New Orleans.

I have some statistics that I am unable to hand you to-day, but will take pleasure in doing so without unnecessary delay.

CONCLUSION.

Mr. Plant thoroughly believes that it is the duty of the United States, and for the benefit of each and every part thereof, to foster and encourage regular steam-ship lines with foreign nations, and especially with our neighbors on the south.

I have attempted to show you that the United States already has a fast mail line a long way toward Aspinwall, from New York to Tampa, with connections that would take in all the country to the west. Now it is only necessary to complete this fast line to Aspinwall to put in 1,198 miles of mail service between Tampa and Aspinwall. If you desire to put in more and go into Greytown and Port Limon, with 104 miles more, all that is necessary is time to make the extra distance.

Gentlemen, I thank you for your attention.

Dr. GUZMAN. We thank you very much for the information that you have given us. It is very valuable.

(Mr. Schreiber began his statement).

Mr. HANSON. I would like to ask Mr. Thompson a question before Mr. Schreiber proceeds with his statement.

If I understand you, the steam-ship service between Tampa and Havana is not adapted to the development of trade to any large extent, further than in the carrying of fast mails. The great benefit that we derive from that line, to put it in other words, is fast mail service, but it does not assist us in the carrying on of heavy trade.

Mr. THOMPSON. It does not carry the sugar from Havana.

Mr. HANSON. Now, this service that you suggest for ports farther south, will that service meet the purposes of general trade, heavy freight as well as light, in addition to carrying the mails quickly?

Mr. THOMPSON. It will carry the mails quickly, carry passengers and carry all the heavy freight from that portion of the United States that can reach Tampa or Mobile as quickly as it can reach New York. Exactly this is the case with the present service to Havana. Any freight from any portion of the United States that is going to the Island of Cuba, that can reach Tampa or Mobile (as we have a line from Mobile now that connects with it) as cheaply as it can reach New York, goes that way.

Mr. HANSON. As I understand you, the country for which you do not carry heavy freight belongs to New York. You can carry heavy freight that can reach Tampa as well as New York

Mr. THOMPSON. For the Southern and Western States we are prepared to carry all there is, and all that is offered will be carried. Room has been sacrificed to passengers because the people had got into the custom, even in your State, of sending their stuff to New York if they wanted it sent to Cuba. We hope to overcome that habit in time.

Mr. THOMPSON [Later]. In case Mr. Plant should have the contract for this service that I have described, from Tampa to Aspinwall, it would be necessary for him to build some new ships, and they would be fine ones and adapted to the trade.

The chart or diagram that I present herewith will explain the situation more fully and forcibly than I can.

Should Mr. Plant establish a steam-ship line between Tampa and Aspinwall, he would, in addition to Tampa, practically have termini at Mobile, Key West, and Havana—which, for convenience, I will designate as Plant ports—and it will be seen that these cover all of the East Gulf ports and the North Gulf ports east of the Mississippi River, except New Orleans, which is more distant from the great cities of the United States than the Plant ports.

The Plant system already has a tri-weekly line to Key West and Havana, which would give communication with these ports, for mails, passengers, and freight.

The ship from Aspinwall would touch at Tampa, go to Mobile and return from Mobile to Tampa, from which port it would sail to Aspinwall.

It will be seen that this would form a semicircle and accommodate an immense territory. Tampa is 202 miles nearer Aspinwall than any other accessible port of the United States, and with Mobile as a port of arrival and departure the Tampa line would accommodate more people than any port on the Gulf of Mexico.

You will see on this chart the cities of Charleston, Knoxville, Cincinnati, and Chicago. These cities and the entire territory west of an imaginary line drawn through them, are nearer one of the Plant ports of arrival and departure than they are to New York. Freight from all this territory can be carried to Central and South America, via the Plant ports, cheaper than by New York, besides, the time would be less; the cars run onto the docks, both at Tampa and at Mobile, so that freight can be loaded from the cars to the ships, and *vice versa*, and consequently handled far cheaper than in New York or New Orleans. Should the Plant line extend its system to Aspinwall, it would give a through bill of lading to any one of the Plant ports, including Havana, or to any interior point in the United States.

Memphis, Springfield, Kansas City, St. Joseph, Omaha, and St. Paul, and all the territory east of an imaginary line drawn through these places, including the great cities of the West and South, are nearer one or more of the Plant ports than New Orleans, and consequently the Plant ports would be more available for mails, passengers, and freight.

I think I am perfectly safe in saying that it is not possible to establish a line from the United States to Aspinwall that will serve so well and so cheaply such a great number of people and vast territory as can be done via the Plant ports.

Kansas City is nearer a Plant port than it is to Galveston, and the last-named place is 324 miles farther from Aspinwall than Tampa.

I said before that I thought it the duty of the United States to establish a weekly mail line to Aspinwall from the most accessible port in the United States, and I hope I have made it clear that Tampa is that port, it being nearer than any other port, and that ships running from Plant ports can perform quicker and better service than ships from any other ports.

I have also said that the mail service should be sold to the lowest bidder, but that would not prevent me from expressing an opinion as to what the United States should pay. I am not, however, at this moment sufficiently informed as to the expense that must necessarily be incurred to make a definite statement of the cost of the service I have described. We are investigating this matter, and hope to be fully informed at an early day, and we will take pleasure in placing the figures before you at our earliest convenience.

I submit the following table of sailing distances in nautical miles:

	Miles.
Aspinwall to—	
Galveston	1,522
Mobile	1,387
New Orleans	1,382
Tampa	1,198
Tampa via Greytown	1,302
Vera Cruz to—	
Tampa	927
New Orleans	799
Galveston	618
Tampa to—	
Mobile	376
Havana	366
Key West	266

The trip from New York to Aspinwall, via Tampa, can be made in from three to four days quicker than it can by the all sail route, and at least one day quicker than via New Orleans, which is much farther, and the latter place being located 110 miles from the Gulf on a river difficult and slow of navigation.

APPENDIX G.

FROM THE CHICAGO BOARD OF TRADE.

CHICAGO, ILL., *July* 9, 1889.

To the president of the board of directors of the Board of Trade of the city of Chicago:

The special committee appointed by the board of directors to examine into and report the advisability of supporting the memorial by special committee to Congress, submitted by Mr. S. A. Jones, of Tampa, Fla., having in view the establishment of a direct line of transportation from the city of Chicago, via Tampa Harbor, to the Caribbean Sea ports, and also to report on the acceptance of an invitation from the Tampa Board of Trade to visit the harbor of Tampa, Fla., beg leave to report that in concert with a convention of representatives from the different exchanges, whose official action therewith I herewith submit, have carefully and thoroughly investi-

gated the subject presented to them, and are of the opinion that the completion of such a proposed route would result not only in benefit to the entire country, but especially and directly to the commercial advantages of this city, bringing Chicago in direct communication with the entire commerce of the now rapidly developing Southern States and to all the ports of the Caribbean Sea. Your committee would, therefore, recommend that the Board of Trade of the city of Chicago heartily support the memorial of Mr. S. A. Jones to Congress, and would recommend the acceptance of the invitation of the city of Tampa by the appointment of six delegates from the board to visit the said city, and that the board adopting the suggestion of Mr. Jones to invite the president of other exchanges represented to appoint three delegates from each of these to join our delegations, and a representative from the Tribune, Inter-Ocean, Herald, Times, and News to join the delegation, in order that the press may be represented. Your committee further reports that it would be advisable to have the delegation referred to leave Chicago by the 27th instant, that the desirable relations may be perfected for an early opening of the port in time for the bulk of this winter's fruit crop to be forwarded to Chicago and other Western points.

G. MONTAGUE,
Chairman.

Report received, and a committee of six delegates was appointed to visit Tampa before taking final action.

To the president and directors of the Chicago Board of Trade:

Report made by the visiting committee the 10th of September, 1889, adopted and committee discharged.

REPORT.

Your committee, appointed to visit Tampa, Fla., and investigate that port and the advisability of indorsing a memoral to Congress from the board of trade of that city, beg leave to make the following report:

We left Chicago on July 29, 1889, in company with committees from the Produce Exchange, the Lumberman's Exchange, Commercial Association, and representatives of the press of this city. At Jacksonville, Sanford, and other places the committees joined and accompanied us to Tampa.

On our arrival at that place we found a large number of representative men from all parts of the State assembled to meet us. President Ingraham, of the South Florida Railroad, placed at our disposal special trains and a steamer, enabling us to inspect the bay from its head to the Gulf of Mexico. We find at the entrance of this bay 24 feet at the north channel and 26 feet at the south channel at low-tide water. About 2 miles from the dock we find a stone bar that had 16 feet of water when the United States Government commenced to remove the same, this being done by an appropriation voted by Congress after they had received the memorial signed by this board of trade and others. The appropriation was $45,000, and when the work is finished vessels will have 24 feet of water at any point in the channel to the docks. The bay is 40 miles long and 15 to 20 miles wide, and is safe to navigators without pilot or previous knowledge.

Docks and hotels have been built, and other accommodations for freight and passengers; a line of steamers was put on three years ago, the Key West and Havana. Prior to this there were but small imports; the receipts of the custom-house were but a few hundred dollars per year. This year the receipts will run over $300,000. The committees of the numerous boards of trade whom we met in Florida and Georgia, having full knowledge of this, and the possibilities and the business through this, the most natural channel and nearest market from the South American Republics, recognize Tampa as the most accessible and desirable port, and are axiously looking to see the consummation of this enterprise. They are looking to the Chicago Board of Trade and the great West to aid them.

You may ask in what way do they hope for profit, and what interest has the West and the Chicago Board of Trade in this business? Our answer for the merchants and producers for Florida and Georgia and the South is:

First. The prospective opening of this business has opened the eyes of railroad managers to the importance of direct lines through the West, giving equal time and as low rates to the East, and your committee has the assurance from the executive officers of three of these lines of railroads in the State named that they not only desire this, but will and can accomplish it, and to aid in developing more active business relations with the West and to handle the South American trade they will carry freight over their lines for five years at actual cost for their services. This will open up a business that will enable the producer to place his fruit in Chicago as cheaply as in New York, saving time and the freight from that city. We find in the State of

Florida nearly 20,000,000 acres assessed for tax, and only three-quarters of a million cultivated. The merchants are active and progressive and these improved transportation facilities to the West will bring them rapid developments, to the producer wealth, and to the railroads dividends for their stockholders. What interest has the West and the Chicago Board of Trade in all this? What benefits one part of the country is a benefit to all. Second. Chicago will have constantly cheap fruits and vegetables, bringing wealth to our merchants and delicacies to our tables at reasonable cost. We find from $450 to $500 per car is the cost to ship fruit from California to Chicago; we will be able to receive it from the South at one-third the cost of transportation. Coffee, sugar, sirup, and rice will come to us direct, and with the South and Central American products tropical products will be received at reasonable prices, and in exchange they will take our flour, hay, corn, and potatoes, agricultural implements, furniture, etc.

Your committee finds that the statements made by Mr. S. A. Jones are true in every respect, and that all his estimates have been truthful and not colored to mislead; we also find that the Tampa Board of Trade and the city of Tampa paid all the bills and expense for taking the committees to Tampa and return, and there is not any corporation or individuals back of him to profit by his efforts; also, that the city of Tampa has given over $60,000 in money and land to manufacturers to locate there, and the enterprise and push found in that city, and also in Jacksonville, and St. Augustine, Macon, Atlanta, Chattanooga, and other cities visited by us, and the enterprise of the press are only equaled by some of our live Western cities.

Your committee finds that the entire South interested in the developments of South and Central American trade, and the aid given them to accomplish the work will tend to more strongly cement our social and business relations. These reasons being true is why the South comes to us, and why our influence and indorsements have potent influence in Washington. Because our State pays over thirty millions to the support of the national Government yearly. Your committee would further recommend that the committee appointed by this board to attend a meeting of a Congress of the Three Americas in Washington, in November, be instructed to use their influence to induce the delegations from South and Central America to return to their homes via Tampa Harbor, where steamers will be placed at their disposal, free of charge, to carry them to Aspinwall, the entry port to their various countries. This will save much, it being only 1,200 miles from Tampa to Aspinwall, and they can make the entire journey from either Chicago, or New York via Tampa to Aspinwall in one hundred and thirty-nine hours, instead of being three or four weeks by the way of New York and Liverpool and the Atlantic sea-board to their homes

Finally, your committee reports that, having investigated Mr. Jones's figures on the amount of commerce to be gained and the large saving to be made, and after having made both personal inspection and geographical study of the route, harbor, charts, and maps your committee is thoroughly convinced of the practicability of the plans, and that Tampa is the most practicable port by which this trade can be diverted and turned to this country, that will be of untold value to this city and the country at large, and we most heartily recommend the indorsement of the memorial to Congress, presented by Mr. Jones, and that the press of this city be furnished a copy of this report.

GILBERT MONTAGUE,
W. M. GREEG,
JOSEPH GREEG,
GEO. H. SIDWELL,
JAMES B. WANZER,
CHARLES REIFSNEIDER,
Committee.

Joint report from the Board of Trade, Produce Exchange, Lumberman's Exchange, Commercial Association, and Representatives of the Press, of Chicago, Ill., who visited Florida August, 1889.

The convention was called to order at 3.30 o'clock September 13, 1889, in parlor A, of the Grand Pacific Hotel, Chicago, Ill., with Mr. Gilbert Montague, of the Board of Trade, in the chair, who stated that the meeting was called to listen to the report of the committee of the joint committees that visited Tampa, Fla., in August last.

Mr. MONTAGUE. As chairman of the permanent organization of the joint committee that visited Tampa, at the invitation of the Tampa Board of Trade, for the purpose of investigating the practicability of that port as the most desirable and accessible place to open commercial relations with Central and South America, beg leave to propose the following for your consideration, as the report of the joint committee

Colonel LITTLER, of the Produce Exchange, secretary of the meeting, then read the following report:

To the citizens of the State of Florida, Georgia, the Southwest, the Great West, and the city of Chicago:

The gentlemen comprising the committees from the Board of Trade, Produce Exchange, Lumberman's Exchange, Commercial Association, and the press that visited Florida in August, having made their reports, and having been adopted and the committee discharged, we consider the advisability of a more extended joint report, and submit the following for your careful consideration, indorsement, and co-operation.

The object of our visit South was to examine Tampa Harbor, with a view to asking Congress to appropriate necessary funds to establish weekly mail to South and Central America, via Aspinwall, also the development of more active commercial relations with them.

The first question considered is the possibility of that trade and its importance to this country. Statistics show that we have imported this year from the West Indies, Central and South America, Mexico, and Cuba, in excess of our exports to them $187,000,000 worth of merchandise. These imports have been sent to them mostly in foreign bottoms that have come to us from England, Germany, France, Spain, and Holland, delivering merchandise that should have gone from this country direct. During the month of June there arrived at Buenos Ayres sixty-eight ocean steamers from Europe. We find that the Dutch steam-ship lines running between Amsterdam, the West Indies, and New York imported by this line to us $14,242,000, and exported $11,497,000. A portion of our exports to the countries named are now sent via New York and Liverpool. We can furnish most of this merchandise and deliver it from our Chicago manufactories or any central point in this country to Aspinwall, with only one breaking bulk and save from 3,000 to 5,000 miles. Why is it we have not this trade? Because European countries have given aid and encouragement to their merchants to enable them to have constant mail communication and to advertise and introduce what they have to sell. Tampa has asked us to aid them in their efforts to have our Government furnish weekly mail service to Aspinwall. Why this request of us; and what are the advantages of that port over others?

(1) The request is made of Chicago because she is the great distributing point for the West and the Northwest, and is the geographical commercial center of this country.

(2) Because Illinois pays more than any State for the support of the National Government.

(3) Because our western merchants are live, energetic business men, quick to act, always to aid in any enterprise that benefits the country or any section, and because the products of this city can be found in almost any civilized country in the world.

What advantage has the port of Tampa over others? Nature has made Florida the direct highway from this country over which our vessels may pass with comparative safety, and is the nearest and most accessible point to send our mail and merchandise to the West Indies, Central and South America, and Cuba, and returning to distributethe products of the countries from. The Bay of Tampa has many advantages over other Gulf ports.

(1) It is the nearest port where there is sufficient water at low tide to admit vessels to carry on this business.

(2) She has a magnificent harbor, sufficient to accommodate the entire commerce of this country, and has docks, warehouses, and hotels, with ample rail facilities for receiving and distributing all the merchandise that may come. There is 24 feet of water at the south channel and 26 at the north channel, and navigators can sail to her docks without pilots, being lighted or towed.

Tampa is 1,200 miles from Aspinwall, Pensacola is 1,537 miles, Mobile 1,576 miles, and New Orleans 1,578 miles, making Tampa about thirty hours shorter than to the ports named, and is five or six days' time nearer us than by way of New York. Freight can be delivered in Chicago from South America (before it could be delivered in New York) from this port, saving loss of decay, insurance, and the great risk from the dangerous coast.

We find the unhealthy commercial conditions of increase in imports and decrease in exports from the countries named. Two years ago the volume of imports was $265,000,000, in 1888 it was $253,000,000. The imports to us from Mexico for 1888 were $27,272,778, with Central America $11,754,952. We exported to these countries only $65,975,759, in exchange for this large volume of trade. The Government reports show that on this $253,797,648 worth of imports we are doing with them is being done at an extra cost of $12,000,000 per annum. This came from extra insurance to reach the Atlantic sea-board, in loss by wreckage and goods by length of time taken to reach destination. Nearly all of this can be saved, besides thousands of dollars of freight, by the short route via Tampa Harbor, and millions more of business can be

diverted to us. Europe receives from Bolivia, the Argentine Republic, Brazil, and Uruguay, $240,000,000, yearly; we certainly should be able to secure part of this.

What are the benefits Florida and the South will obtain from this business, and what benefits will Chicago and the West derive?

Nature has bestowed her rarest gifts on Florida. She is now in the infancy of her development. This great State has only 20,000,000 acres of entered and taxable land; of this only about 75,000 acres are under cultivation. She will produce, probably, 5,000,000 boxes of oranges this year. We find the production of vegetables increasing rapidly; they will ship from 4,000,000 to 5.000,000 crates this year. Three-quarters of all the Sea Island cotton produced in the United States is grown in Florida, and the finest tobacco produced is grown in that State, and this industry is being rapidly developed. The sugar-cane in Florida produces the finest sirup and sugar; large sums of money have been expended in this industry and it is being rapidly developed. The finest timber is found, and the lumber interest for years has been the leading industry in this State. Large cigar factories are found at Key West, Tampa, and Jacksonville, and nearly all tropical fruits are produced.

Tampa about three years ago had about 2,000 inhabitants; now there are over 10,000. Her business amounts to over $5,000,000 annually. The duty received at that port will amount to over $300,000 this year; this development is due to the fast mail service between Washington and Tampa Harbor. We understand the Government pays $180,000 per year for this and $75,000 per year for the mail service from that port to Havana. From this it is apparent that the Government has gained, and the development of the South in consequence of this service has been millions. Jacksonville, the commercial capital of Florida, has a business of nearly $50,000,000 each year, with a population of about 25,000. St. Augustine is the Queen City of that State. Its hotels are magnificent, and the intelligence and push of the people we found in Tampa, Jacksonville, Ocala, Sanford, St. Augustine, Orlando, Kissimi, and other places visited by us can not be excelled by any of our Western States. Eastern and Western capitalists have invested large sums in building hotels costing millions of dollars, and over $50,000,000 have been invested in railroads. Key West has over 200 cigar factories, and produces 100,000,000 cigars yearly. She produces sponges to the value of $1,000,000; pineapples $75,000 worth, and her population is 19,000. This development has been rapid, and the producers are looking to see where they can find an outlet for their products.

Georgia is in the same condition as Florida, with its vast resources of cotton, iron, timber, coal, and fruits; it requires better and more rapid transportation facilities and they all look to us to aid them. The fast mail service from Washington to Tampa Harbor and Cuba has made millions of dollars for that State; now they hope by our aid to open up a trade with Central and South America. This will soon bring them fast mail service to Chicago, and with it rapid transit for their products and at reasonable rates to this city, where it will be distributed to the West. Weadwell on all these points for the reason of their great importance to the Southern people and the facts as we see them, that this harbor of Tampa is the way to the Gulf by which this city and the West will derive a large and lucrative business.

Our visit was made at a time when we expected to find it unhealthy and uncomfortable, and it is with pleasure that we can tell the people of the West that we were not troubled with anything more disagreeable than our inability to accept the generous hospitality offered us at all points. We found the climate pleasant and cool at night, and only wished our visit could have been prolonged.

Desiring to speak of the fear of yellow fever entertained by Northern people, Dr. G. T. Maxwell, in his report on yellow fever in Florida, says: "Tampa has had the yellow fever only three times in her history; New York, Boston, Philadelphia, and Baltimore have had it many times. The quarantine regulations of the State are rigidly enforced and sanitary measures now being perfected will, we think, exempt in the future Florida from this dread disease."

Whereas Mr. S. A. Jones, of Tampa, Fla., by his untiring zeal and constant efforts to make the visit of this committee pleasant, and to give us every opportunity to investigate, and finding all his statements true: Therefore,

Resolved, That we most heartily recommend Mr. Jones as being worthy of the trust and confidence of the people of the South and West, as well as the commercial bodies he may visit, and from whom he may ask assistance and official indorsement, to insure the success of the enterprise he is engaged in, and that we recommend him to the favorable consideration of all the United States Senators and Representatives in

Congress, and all the committees of the national legislature, in the interests of more close commercial relations with the South, the West, and Central and South America.

GILBERT MONTAGUE,
Chairman Board of Trade Committee.
MAURICE H. SULLEY,
Chairman Commercial Exchange Association Committee.
R. M. LITTLER,
Chairman Produce Exchange Committee.
L. F. SWAN,
Chairman Lumberman's Exchange Committee.
C. F. PEREE,
Chairman Press Delegation.

ST. LOUIS, MO., *April* 23, 1889.

The undersigned members of the board of directors of the merchants' exchange of St. Louis, having considered the memorial to Congress, issued by the Tampa, Fla., Board of Trade, under date of April 3, 1889, setting forth the advantages of said port as a near and safe route to Cuba, Central and South America, and asking an appropriation of $1,000,000 to any steam-ship line that will, for five years, carry the United States mail from Tampa Bay to Aspinwall, do hereby approve and indorse said memorial and ask for same the favorable consideration of the Congress of the United States.

CHAS. A. COX,
President.
HUGH ROGERS,
Vice-President.
GEORGE H. MORGAN,
Secretary.
JNO. B. VANDOLFO,
ISAAC M. MASON,
R. M. HUBBARD,
JNO. C. FEARS,
J. B. AMBS,
C. H. SPENCER,
H. N. CHANDLER,
Directors.

CHICAGO, ILL., *July* 6, 1889.

At a special meeting of the board of directors of the produce exchange of the city of Chicago, held this date, John B. Lynch, esq., president, chairman, the following resolutions were presented, and after all members of the board had had an opportunity to express their views upon the same, were unanimously adopted:

Resolved, By the produce exchange of Chicago, that we heartily indorse the memorial submitted by Mr. S. A. Jones, of Florida, to be presented to Congress for the opening up of a direct line of commerce from Chicago and the West to Florida, and also via Tampa Harbor to Cuba, Central America, and South America.

Resolved, That a committee of five be appointed from this exchange, whose duty it shall be (in connection with a like committee from the board of trade, Chicago) to co-operate with the Tampa Board of Trade, with the view to effect an early arrangement for quick transit and cheap rates between Tampa and Chicago and the West.

Resolved, That this committee will urge the Representatives in Congress to give their influence to secure an early opening of this direct line from Chicago and the West to Cuba, Central and South America.

Resolved, That the press of Chicago be furnished a copy of these resolutions and requested to give its sanction and support to this work.

Resolved, That the invitation of Mr. Jones to visit Florida be accepted, and a committee of five be appointed by the president (for which he shall be the chairman) to represent this exchange, who shall respond at the call of the board of trade committee.

ROBERT M. LITTLER,
Secretary Produce Exchange, City of Chicago.

CHICAGO, *July* 8, 1889.

At a regular meeting of the board of directors of the Lumberman's Exchange, of Chicago, held this day, the following action was had and the following resolutions unanimously adopted:

Resolved, By the Lumberman's Exchange, of Chicago, that we heartily indorse the

memorial submitted by Mr. S. A. Jones, of Florida, to be presented to Congress for the opening up of a direct line for commerce from Chicago and the West to Florida, and also via Tampa Harbor to Cuba, Central and South America.

Resolved, That a committee of three be appointed from this exchange whose duty it shall be (in connection with like committee from the Board of Trade of Chicago) to co-operate with the Tampa Board of Trade with the view to effect an early arrangement for quick transit and cheap rates between Tampa and Chicago and the West.

Resolved, That this committee will urge the Representatives in Congress to give their influence to secure an early opening of this direct line from Chicago and the West to Cuba, Central and South America.

Resolved, That the press of Chicago be furnished a copy of these resolutions and requested to give its sanction and support to this work.

Resolved, That the invitation of Mr. Jones to visit Florida be accepted, and a committee of three be appointed by the president (of which he shall be the chairman) to represent this exchange, who shall respond at the call of the Board of Trade committee.

THEO. F. SWAN,
Secretary.

CHICAGO, ILL., *July* 9, 1889.

GEORGE F. STONE, Esq.,
Secretary Board of Trade, Chicago:

DEAR SIR: In common with representatives from other organizations in this city we have examined the project submitted by S. A. Jones, of Tampa Bay, Fla., having in view the establishment of a direct line of transportation from the city of Chicago, via Tampa Bay, to the Caribbean Sea ports, and are of the opinion that the completion of the proposed line of transportation would confer great commercial benefits upon the whole country, and especially upon the West, by bringing us in direct communication with the Caribbean Sea and South American ports, and approve the same.

SAMUEL B. RAYMOND,
President.
L. J. LEONARD,
Secretary.

CHICAGO, *September* 2, 1889.

To the Secretary of the Commercial Exchange, Chicago, Ill.:

The undersigned committee, appointed to visit Tampa Bay, Fla., begs to submit the following report:

The excursion party left Chicago on the evening of July 29 last, and after a short stay at Chattanooga, Atlanta, and Macon, reached Jacksonville, where we were met by a committee representing the Board of Trade, press, and railroads of Jacksonville, who escorted us to Port Tampa.

Ample opportunities were afforded us to inspect the harbor facilities of Port Tampa. Soundings were taken from the deck of a steamer (which was at our disposal), showing a depth of 26 feet in the north channel and a depth of 24 feet in the south channel, the only obstruction being a limestone bar, for the removal of which Congress has already passed an appropriation, and the work of removing same is rapidly progressing. This work being completed, Tampa will have the finest port of entry on the Gulf coast, and one that a mariner can enter without the aid of a pilot.

A route from the South American ports by way of Tampa would be the shortest by 400 miles.

This committee has refrained from making a detailed report embodying the advantages Chicago would receive by a direct commercial relation with Tampa and South America, leaving such a report to be made by Mr. Gilbert Montague, the chairman of the joint committees, but will state that this project merits the consideration of the business men of Chicago and the Northwest.

Respectfully submitted.

MAURICE H. SCULLEY,
Chairman.

LINCOLN, NEBR., *September* 19, 1889.

At a meeting of the directors of the Lincoln Board of Trade, held at their room on September 19, 1889, the following memorial was unanimously adopted and signed by the officers and members of the board:

The undersigned directors of the board of trade, of Lincoln, Nebr., having considered the memorial to Congress issued by the Tampa (Fla.) Board of Trade under date of April 3, 1889, setting forth the advantages of said port as a near and safe route to Cuba, Central and South America, and asking an appropriation of $1,000,000

to any steam-ship line that will, for five years, carry the United States mail from Tampa Bay to Aspinwall, do hereby approve and indorse said memorial and ask for same the favorable consideration of the Congress of the United States.

R. H. OAKLEY,
President Lincoln Board of Trade.
A. H. WEIR,
Vice-President.
C. A. ATKINSON,
Secretary.
J. J. IMHOFF,
A. E. HARGRAVES,
C. J. ERNST,
ELI PLUMMER,
M. L. TRESTER,
T. W. LOWRY,
C. H. GERE,
Directors.

The above is a true copy from our records.

R. H. OAKLEY,
President.
C. A. ATKINSON,
Secretary.

OMAHA, NEBR., *September* 21, 1889.

At a special meeting of the directors of the Omaha Board of Trade, held at their office in the chamber of commerce, there was presented, and upon motion unanimously adopted, the following:

Whereas there has been laid before the board of trade a memorial, which is to be presented to the Congress of the United States by the board of trade of Tampa, Fla., memorializing Congress for an appropriation of $1,000,000 to an American line of steamers that will carry the United States mail from Tampa, Fla., to Aspinwall, Central America, and intermediate points for a term of five years: Believing that such a line would be of great advantage to the Southern, Middle, and Western States and Northern States, we therefore most cordially indorse said memorial and request our Senators and Members in Congress to give their support to the passage of a law in accordance with the terms of said memorial.

W. N. NASON, *Secretary.*
EUCLID MARTIN, *President.*
MAX MEYER, *Vice-President.*
E. E. BRUCE,
C. O. LOBECK,
J. E. ILER,
DANIEL H. WHEELER,
Directors.
HUGH C. CLARK, *Treasurer.*

DES MOINES, IOWA, *September* 23, 1889.

At a meeting of the Des Moines Commercial Exchange Directory Board, held at their rooms this day, the following memorial was unanimously adopted and signed by the officers and members of the board:

The undersigned directors of the Des Moines Commercial Exchange, having considered the memorial to Congress issued by the board of trade of Tampa, Fla., under date of April 3, 1889, asking for an appropriation of $1,000,000 to an American line of steamers that will carry the United States mail from Tampa, Fla., to Aspinwall, Central America, and intermediate points, for the term of five years: Believing that such a line would be of great advantage to the great Northwestern, Western, Middle, and Southern States, we therefore indorse most cordially said memorial, and would request our Senators and Members of Congress to give their support to the passage of a law in accordance with the terms of said memorial.

[SEAL.]

ISAAC BRANDT,
President.
T. F. SELLECK,
Secretary.

MILWAUKEE, WIS., *September* 27, 1889.

A joint meeting of the officers and directors of the Merchants' Association and Chamber of Commerce of the city of Milwaukee was held September 27, 1889, at which Mr. C. A. Chapin, of the Chamber of Commerce, was elected chairman. Mr. C. E. Andrews, of the Merchants' Association, offered the following, which upon full

consideration and discussion was adopted as the unanimous expression of the meeting:

The officers and directors of the Merchants' Association and board of directors of the Chamber of Commerce of the city of Milwaukee, having listened with great interest to the remarks of Mr. S. A. Jones, of Tampa, Fla., in relation to a memorial to be presented by the Board of Trade of Tampa, Fla., memorializing Congress for an appropriation of $1,000,000 for the purpose of establishing an American line of steamers carrying United States mail from Tampa, Fla., to Aspinwall, Central America, and intermediate points, for a term of five years, most cordially indorse the memorial and the object. Believing that such a line of steamers would be of incalculable benefit to the Southern, Middle, Western, and Northwestern States, we can earnestly request the Senators and Representatives in Congress from the State of Wisconsin to give their support to the passage of a law in accordance with the terms of the memorial.

C. E. ANDREWS,
President Milwaukee Merchants' Association.

OSCAR MOHR.
W. J. LANGSON,
Secretary of the Chamber of Commerce of Milwaukee.

[Tampa Board of Trade. Office of S. A. Jones.]

TAMPA, FLA., *April* 3, 1889.

To the Senators and Representatives of the United States in Congress assembled:

We, your petitioners, merchants, shippers, boards of trade, merchants' exchanges, as below specified, represent as follows:

Whereas it has been shown that many millions of dollars can be saved to the people of the Western, Middle, and Southern States, on goods now coming to them from Cuba, Central America, South America, and Mexico that is now coming by the way of New York and the Atlantic sea-board, passing out of the Gulf of Mexico and the Caribbean Sea, through the dangerous reefs of Florida to enter the Atlantic Ocean, and on by Cape Hatteras to reach New York, costing an extra insurance of 24 per cent. and a loss on vessels of $10,000,000 yearly, saying nothing of the $1,500,000 loss per year on perishable goods by long shipment;

Whereas it has been shown that $265,000,000 worth of commerce pass and repass yearly to the Eastern sea-board over this dangerous route; also that out of this amount, $165,000,000 is consumed, handled, and manufactured west of and including the State of Ohio; and

Whereas it has been shown that Tampa Bay, Florida, is the most practicable Southern harbor on the coast of the United States, through which this $165,000,000 worth of goods that is consumed and handled in the Western, Middle, and Southern States should enter this country; therefore,

We pray your honorable body to note that it has been shown that all this heavy loss of ships, and loss of extra insurance and perishable goods can be saved to the customers by this new route, and at the same time give a large volume of work to the Southern and Western roads, thereby enabling them at a great saving to carry these goods direct through the South on an air line through the heart of Kentucky, Tennessee, Georgia, and Florida, opening up a rich section of country in these States, making them tributary with the South American trader to the market of the cities of Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, Colorado, Nebraska, Kansas, and Missouri, the natural market for all these States, and the Central and South American countries, instead of carrying to them second-handed by the way of New York and the Atlantic sea-board, to be again redistributed to the country at large.

It is also shown that the distance by rail from New York to Chicago and St. Louis is the same as it is from Tampa to St. Louis. This change of route will save over 1,000 miles of transportation for goods now going to New York and Eastern sea-boards to find a railroad to transport them to Chicago, St. Louis, Cincinnati, the great inland market of the country for the West and the Northwest, passing the end of an air-line road than can be had over 1,000 miles nearer.

It has been shown that Tampa Bay, since receiving the first indorsement by the cities of the West, has induced large capital to begin the development of the city of Tampa. Congress has made Tampa a customs district and her custom receipts amount to $20,000 per month; has a bill pending before Congress, and passed the Senate, providing for her public buildings; one to be an international exposition to encourage friendly intercourse between these two countries; has appropriated large sums of money that is now being expended to prepare the harbor for the entrance of the

largest ships; the United States mail is now carried via Tampa to Cuba in sixty-six hours from New York, also the same time from St. Louis and Chicago, over the old time of three hundred and twenty-four hours; the new docks have been finished at Tampa at a cost of $250,000; the two fastest ships on the American waters, costing a half million dollars, carry you from Tampa to Havana in eighteen hours; the only absolutely fire-proof tourist's hotel in the world is now being completed at Tampa at a cost of several millions of dollars, to accommodate the traveling public of both continents; a new line of ships soon to be run to Vera Cruz, Mexico, carrying the New York and western mails in ninety-six hours via Tampa. The city of Tampa has grown in five years from 1,200 to 10,000 people, with factories that cost $2,000,000, paying out weekly $40,000 for labor; the city is lighted with electricity, supplied with fine water-works and street-car lines, and all industries are under headway.

Whereas these new improvements are realities and standing monuments of industry and enterprise, it is of vital and national interest to the people of the United States, as well as the Western, Middle, and Southern States, to foster and give all aid they can to increase our water facilities of transportation at this most practicable place, through which to reach the rich fields of Cuba, South America, and Central America over the most direct, shortest, and cheapest line over which to send our exports and receive our imports: therefore we urgently request and recommend that Congress appropriate, for the further encouragement and development of our southern connections at Tampa, Fla., with the Carribean sea-ports, $1,000,000 to any ship line that will for five years carry the United States mail from Tampa Bay to Aspinwall, said ships to be owned by American capital and equipped with first-class passenger accommodations and freight facilities, to be run under such restrictions and regulations regarding the appropriation as may be determined by the Postmaster-General. Therefore we pray your honorable bodies' early and favorable consideration of this matter, not only for the benefit of the people of Florida but of the whole United States, whose interests are directly concerned in communicating and transacting business through Florida with the West Indies, Central America, and South America cheaply and quickly, and by land transportation, instead of by long and expensive route by way of the Atlantic sea-board.

APPENDIX H.

From S. A. JONES, OF CHICAGO.

[Office of Gilbert Montague, 6 and 8 Sherman street, chairman of permanent organization on South American Mail Line.]

CHICAGO, ILL., *October* 8, 1889.

Hon. JAMES G. BLAINE,
Secretary of State, Washington, D. C.:

DEAR SIR: I have the honor herewith to submit for your kindly consideration the report to date of work on a plan unanimously adopted by the South and West, as far as the work has been done, and have no hesitancy in saying Michigan, Ohio, and Indiana will join us, as they have already so indicated, and did join us before in the work to improve Tampa Harbor, Fla.

Report herewith submitted by the various committees after a personal inspection of this scheme and plan speaks all that is needful of the practicability of the line and the abundant capacity of the harbor and the desirability of the route. There has been formed in this city, from the different business organizations, a permanent organization, whose work is to push this matter until the mail line to Aspinwall, via Tampa Harbor, is open. I have been requested, and it has been suggested by the chairman and the various members of this organization and of the different organizations that have indorsed the plan, to lay as early as possible this matter before you for advice. The committees see the importance of the work, and have passed resolutions to use their aid and influence in securing the return of the South American delegates over this route to Aspinwall, the *entrepôt* to their various countries, as they have come to this country by way of Liverpool and the eastern sea-board, and we have noticed the programme of their visit is a hurried trip through the North and West, touching only at New Orleans, on the Gulf, and then to return to Washington.

It is the earnest wish and desire of the people of the West and South that this delegation, when they have completed their work in Washington, to have them return via Tampa, Fla.; arrangements can be made to make the time between Tampa and Aspinwall in less than ninety-one hours. Of course no comment is needed on the result, when they, by this route, find they can reach New York and the East, and Chicago and the West, all within one hundred and thirty-nine hours, and have a short, beautiful, and safe voyage, as against the long and dangerous route they will have to

come, we feel this will go a long way toward convincing them they are our very close neighbors. We desire to know what steps to take to bring about their return over this route, and the different organizations desire to know if the Government will furnish transportation for them, or will charter one of the fine steamers now plying between Tampa and Cuba, which are unexcelled in speed and equipment for comfort by any steamers in any service on American waters.

Knowing of your broad views on these matters, and the interest you have taken in endeavoring to establish closer relation with these countries, we feel you will not deem us intruding in asking this information. I am getting up a condensed report—in a short time it will be in—full and comprehensive. Do you think it will be necessary to obtain the indorsement of any more States before this matter of their returning is laid before the meeting in Washington? By the time next Congress meets we will have the entire official indorsement north and south of the Ohio River.

An early answer with your favorable opinion, and full knowledge of what is needful in such matters, will be happily received and most highly appreciated, by yours, in behalf of the people of the South and West, and the various organizations enlisted in this work, I beg to subscribe myself,

Most respectfully and obediently yours,

S. A. JONES,
68 *Sherman street, Chicago, Ill.*

APPENDIX I.

FROM THE BOARD OF TRADE OF COLUMBIA, SOUTH CAROLINA.

Hon. JAMES G. BLAINE,
Secretary of State, International American Congress, Washington, D. C.:

SIR: As a committee of the board of trade of the city, appointed especially for the purpose of considering your valued communication of June 17, 1889, in regard to the meeting of the International American Congress, and to reply thereto, we have the honor to say:

That for several years the subject of reciprocal trade, particularly with our very near neighbors, Central and South America, Mexico, and the West Indies, has been a subject of much thought and concern to us whose interests in manufacturing and commerce is developing as never before in the history of the South.

As our manufactured products increase, we look naturally for consumers (customers) to these ports that are to this country *sealed*, owing to the paucity of our merchant marine, and the small amount of reciprocal commerce done by the United States.

According to the report of the South American Commission our trade with South and Central America is—

Imports	$1,185,828,579
Exports	442,048,975
Balance of trade against us	743,780,604

This is truly wonderful, and the fact patent, that this country is not getting a fair share of this trade, and the greater wonder is that American manufacturers have been and are blind to the great amount of good there is lying ready to their hands in these countries.

The difference in the value of American cottons as compared with Egyptian (our cottons being 25 per centum higher in Liverpool after being carried nearly 4,000 miles when taken to the looms of Manchester) shows the appreciation of English manufacturers for this volume of business.

We therefore enter most heartily into the reciprocity idea, even to the extent of recommending to our General Government the expediency of subsidizing vessels of great speed and heavy tonnage that will make quick and frequent trips to these ports and the ports of Canada, touching at Charleston, Georgetown, and Port Royal.

Respectfully,

R. S. DESPORTES,
DAVID JONES,
J. L. MUNNAUGH,
Committee.

COLUMBIA BOARD OF TRADE,
Columbia, S. C., September 25, 1889.
Unanimously adopted.

C. J. TREDELL,
President.
R. M. ANDERSON,
Secretary.

APPENDIX J.

FROM THE CHAMBER OF COMMERCE, MOBILE, ALA.

Dr. O. F. CAWTHORN, *President,*
And Board of Directors of the Mobile Chamber of Commerce:

SIRS: Your committee on information and statistics, to whom was referred your circular letter of the Secretary of State of the United States, Hon. James G. Blaine dated June, 17, 1889, referring to the Conference of the American States to be held in Washington, D. C., October 2, next, respectfully report:

That they have considered said letter and the accompanying act of Congress of May 24, 1888. They find that Mobile is not especially behind other ports of the United States in commercial relations with Mexico and the South American States, regard being had to the size of the port and the magnitude of its general trade with other foreign countries.

The difficulty is, that no part of our country secures more than a small fraction of the great trade of the other North and South American States. Our great common competitor is Europe, and especially England and the German Empire.

Statistics to be of value to Mobile at the coming Conference, should be to show the superiority of our port over European ports, as a source of supplies to the people, to be represented at such Conference, and not to show superiority over other ports of the United States, who are equally with ourselves destitute of Mexican and South American trade. Your committee had neither time nor means for instituting a compilation of such statistics.

Neither do your committee find themselves able to make suggestions in detail for methods of carrying out the eight propositions contained in the act of May 24, 1888. The purpose of each merits the hearty concurrence of our body.

One fact is clearly apparent. Mobile can not expect to have any trade with foreign, Gulf, and South American ports until there are lines of regular communication established between them, and certain means of transportation from Mobile to such foreign ports, and *vice versa.*

Purchasers can not be expected to come to or deal with a place which has no means of reaching it and has no means of shipping the goods when bought, or only uncertain means, operating at irregular and uncertain times.

On the other hand, transportation can not be expected to seek Mobile for cargoes until it is reasonably certain there will be found something there to take away.

Mobile is in this position: She can not sell to Mexico and South America, even if she has the goods they want, because she has no means of transportation to the purchasers there.

Transportation to these countries does not seek us, because she has nothing to transport in the absence of buyers.

We can not force the Mexican and South American buyers to come here. They are human, and we can only induce them to come. But transportation is mechanical; a mere question of ways and means, and can not be forced to come here.

We can build bridges, as it were, between us and our southern neighbors, and assure them of certainty and regularity of communication; and we may be confident they will not be long in availing themselves of their opportunities and seeking the best market.

Regular lines of steam-ships are such bridges, and over such bridges the commerce of Mexico and South America goes to England and Germany to-day.

There is one practical suggestion, therefore, covering the point embodied in the third proposition in the act of Congress, which the chamber can make. But this is so well stated for our purpose by President J. C. Clarke, of the Mobile and Ohio Railroad Company, in a communication herewith transmitted, that your committee recommend that it be sent to the honorable Secretary of State, as embodying the response the chamber would make to his letter.

FREDE'K G. BROMBERG, *Chairman.*
R. B. OWEN.
RICHARD MELLETT.
WM. H. BARNEY.

MOBILE AND OHIO RAILROAD COMPANY,
OFFICE OF PRESIDENT AND GENERAL MANAGER,
Mobile, Ala., July 11, 1889.

Hon. F. G. BROMBERG,
Chairman of Committee, City:

MY DEAR SIR: After carefully looking over the papers left with me for examination, it would seem, on consulting the maps, that the geographical location of Mobile ought to enable us to handle and share in a fair proportion of the South American import and export trade with the United States. We have short inland lines to the center of production of provisions and breadstuffs; we can supply cheap coal, lumber and iron; our close proximity to the Gulf and low port charges offer inducements to marine tonnage; ship stores and labor abundant at reasonable prices. But to inaugurate and control any portion of this trade, we must have lines of steamers or sailing vessels plying to and from Mobile and these South American States. How shall we get them is the important question. The productions of the country, it is claimed, are stagnant for want of markets to take our supplies. Then wisdom on the part of our National Government would be to grant subsidies to lines to ply between our own and those countries that would take our supplies. These subsidies ought to continue until the trade that may be inaugurated reaches such conditions as to make the line or lines of conveyance self-sustaining to those who invest their capital in marine tonnage.

Mobile is the only sea-port in Alabama. Our representation in the National Congress from the State of Alabama ought to invoke the aid of the Government to make the port of Mobile what it should be—the gateway for imports and exports to and from the West and Northwest and South American countries.

Very truly yours,

J. C. CLARKE,
President and General Manager.

APPENDIX K.

REPORT OF THE COMMERCIAL CONFERENCE AT SAN FRANCISCO, AUGUST 29 AND 30, 1889.

At a meeting of the Chamber of Commerce of San Francisco, held on the 23d day of July, 1889, Capt. William L. Merry presented the following resolutions, which, after due discussion, were unanimously adopted:

Resolved, That prior to the departure of our Pacific coast Senators and Representatives for the National Capital this Chamber of Commerce shall convene in special session, inviting their attendance, and also the Manufacturers' Association, the State Board of Trade, the Board of Trade of San Francisco, the State Viticultural Society, the San Francisco Produce Exchange, the Chamber of Commerce of Los Angeles, the Chamber of Commerce of San Diego, the Chamber of Commerce of Eureka, Cal., the Portland (Oregon) Board of Trade, the Astoria (Oregon) Chamber of Commerce, Tacoma and Seattle Chambers of Commerce, and such other incorporated commercial organizations in California, Oregon, Washington, and Nevada as may be decided entitled to admission by the board of trustees of this chamber to send representatives to a commercial convention called for the consideration of the following subjects:

(1) The permanent establishment of ocean mail steam-ship lines on Pacific Ocean routes, and the liberal compensation by the Government for the carriage of ocean mails on said lines by steam-ships available for war and transport purposes.

(2) The application of the interstate-commerce law to the American carrying trade of the Canadian Pacific Railway, or the abolition of the bonding system for railway carriage through foreign territory.

(3) The maritime defense of Pacific coast ports.

(4) An ocean telegraph cable to Australia via the Pacific Islands.

(5) The energetic construction of the Nicaragua Canal as a means of national defense and commercial development.

(6) The encouragement of maritime commerce and increased energy in the construction of the navy.

Resolved, That the board of trustees of this Chamber of Commerce shall fix the date for said special session, issue the necessary official invitations, and appoint committees to report on the subjects above named.

Resolved, That no other subjects shall be considered at said special session, except by unanimous consent.

In accordance with resolutions adopted by the Chamber of Commerce of San Francisco in regular session July 23, 1889, the chamber met in special session August 29,

1889, at 2.30 o'clock p. m., Hon. Ira P. Rankin in the chair, in commercial conference with the various organizations throughout the Pacific coast, as represented by the following delegates:

Astoria Chamber of Commerce: E. C. Holden, M. C. Crosby, J. W. Case, Saml. Elmore, Hon. J. H. D. Gray.

San Diego Chamber of Commerce: Geo. N. Nolan, Chalmers Scott, John Ginty, Col. John Kastle, C. C. Valle.

Tacoma Chamber of Commerce: Saml. Collyer, M. K. Snell.

Los Angeles Chamber of Commerce: Maj. E. W. Jones, Merrick Reynolds, W. H. Goucher, Harvey Lindley, Capt. H. Z. Osborne.

Portland Board of Trade: J. McCraken, Kenneth Macleay, R. P. Earhart, Henry F. Allen, Wm. Kapus.

Eureka, Cal., Chamber of Commerce: F. A. Weck, J. J. McKinnon, Geo. Hooper, C. B. Stone, John Dolbeer.

Sacramento Board of Trade: E. J. Gregory, D. Lubin, P. E. Platt, L. Williams, Chas. McCreary.

California State Viticultural Society: John T. Doyle, C. Bundschu, J. Frowenfeld, J. A. Stanley, Chas. B. Turrill.

California State Board of Trade: W. H. Mills, John P. Irish, M. M. Estee, N. P. Chipman, Jesse D. Carr.

The Board of Trade of San Francisco: M. P. Jones, Marion Leventritt, Henry L. Dodge, Levi M. Kellogg, Benj. Schloss.

The Produce Exchange of San Francisco: Geo. W. McNear, W. A. Holcomb, C. B. Stone, Max Brooks, F. W. Eaton.

The Manufacturers' Association of San Francisco: Wm. Harney, A. S. Hallidie, Wm. T. Garratt, Irving M. Scott, Alanson H. Phelps.

The Federated Trades of the Pacific Coast: W. A. Bushnell, M. McGlynn, W. J. B. Mackay, J. C. Millan, H. Whitham.

COMMITTEES APPOINTED TO REPORT ON SUBJECTS NAMED.

On the permanent establishment of ocean mail steam-ship lines on Pacific Ocean routes, and the liberal compensation by the Government for the carriage of ocean mails on said lines, by steam-ships available for war and transport purposes:

San Francisco Chamber of Commerce committee.—Capt. Chas. Goodall, Capt. Oliver Eldridge, Capt. John H. Freeman, Geo. H. Sanderson, and John L. Howard.

Conference committee.—Capt. William L. Merry, J. W. Case, John Kastle, E. W. Jones, M. K. Snell, J. McCracken, F. A. Weck, John T. Doyle, E. J. Gregory, W. H. Mills, Levi M. Kellogg, C. B. Stone, and Irving M. Scott.

On the application of the interstate commerce law to the American carrying trade of the Canadian Pacific Railway, or the abolition of the bonding system for railway carriage through foreign territory:

San Francisco Chamber of Commerce committee.—A. S. Hallidie, Albert Gallatin, Robert Watt, and Arthur R. Briggs.

Conference committee.—Wm. T. Garratt, Samuel Elmore, C. C. Valle, W. H. Goucher, M. K. Snell, R. P. Earhart, John Dolbeer, Chas. B. Turrill, E. J. Gregory, J. P. Irish, Benjamin Schloss, W. A. Holcomb, William Harney, A. S. Hallidie, and Arthur R. Briggs.

On the maritime defense of Pacific-coast ports:

San Francisco Chamber of Commerce committee.—Irving M. Scott, Geo. K. Porter, F. S. Wensinger, P. B. Cornwall, and F. A. Haber.

Conference committee.—Willard B. Harrington, M. C. Crosby, Chalmers Scott, H. Z. Osborne, Samuel Collyer, William Kapus, F. A. Weck, C. B. Turrill, P. E. Platt, J. P. Irish, M. Leventritt, C. B. Stone, and A. S. Hallidie.

On an ocean telegraph cable to Australia via the Pacific islands:

San Francisco Chamber of Commerce committee.—Hugh Craig, Chas. R. Allen, J. G. Jackson, Michael Castle, and Capt. Chas. Nelson.

Conference committee.—Capt. William L. Merry, J. H. D. Gray, John Kastle, E. W. Jones, M. K. Snell, J. McCracken, F. A. Weck, John T. Doyle, E. J. Gregory, W. H. Mills, Levi M. Kellogg, C. B. Stone, and Irving M. Scott.

On the energetic construction of the Nicaragua Canal as a means of national defense and commercial development:

San Francisco Chamber of Commerce committee.—Capt. William L. Merry, William Harney, Peter Dean, John Everding, and E. W. Newhall.

Conference committee.—Col. C. L. Taylor, E. C. Holden, Geo. N. Nolan, Merrick Reynolds, Samuel Collyer, K. Macleay, George Hooper, J. A. Stanley, Charles McCreary, N. P. Chipman, H. L. Dodge, F. W. Eaton, and A. H. Phelps.

On the encouragement of maritime commerce and increased energy in the construction of a navy:

San Francisco Chamber of Commerce committee.—R. G. Sneath, W. W. Montague, Capt. C. L. Dingley, Geo. W. McNear, and Chas. H. Wells.

Conference committee.—Capt. William L. Merry, J. W. Case, John Kastle, E. W. Jones, M. K. Snell, J. McCracken, F. A. Weck, John T. Doyle, E. J. Gregory, W. H. Mills, Levi M. Kellogg, C. B. Stone, and Irving M. Scott.

REPORT ON THE PERMANENT ESTABLISHMENT OF OCEAN MAIL STEAM-SHIP LINES ON PACIFIC OCEAN ROUTES, AND THE LIBERAL COMPENSATION BY THE GOVERNMENT FOR THE CARRIAGE OF OCEAN MAILS ON SAID LINES, BY STEAM-SHIPS AVAILABLE FOR WAR AND TRANSPORT PURPOSES, AS ADOPTED BY THE CONFERENCE.

The following propositions were submitted by resolution to your committee for consideration:

"The permanent establishment of ocean mail steam-ship lines on Pacific Ocean routes, and the liberal compensation by the Government for the carriage of ocean mails on said lines, by steam-ships available for war and transportation purposes."

The foregoing reference embraces three propositions, which your committee, for convenience, will consider separately.

1. "The permanent establishment of ocean mail steam-ship lines on the Pacific Ocean routes."

The existing ocean steam-ship lines which naturally fall within the scope of your committee's investigation are:

JAPAN AND CHINA.

1. Pacific Mail Steam-ship Company, American; employing four steam-ships on the American register, alternating about every eleven days with the

2. Occidental and Oriental Steam-ship Company's steamers, four in number; chartered from the White Star line of Liverpool. These chartered British steamers alternate with the Pacific Mail Company's vessels.

3. Canadian Pacific line of chartered British steam-ships, three in number, which provide a four-weekly service between Japan and China, and Vancouver, British Columbia.

The United States Post-Office Department pays no subsidy for postal or other purposes to the American line between San Francisco and China. The renumeration for carriage of the United States mail is ocean letter rates, which amounted to $13,229.34 in 1886-'87, and about $14,000 in round figures last fiscal year.

This amount is divided between the two American companies running American and chartered steam-ships to Japan and China from San Francisco, in proportion to the size of the mail carried by each, respectively. The Pacific Mail Company's vessels being on the American register are paid ship's letter and inland postage rates; the chartered vessels of the Occidental and Oriental Company are paid ship's letter rates only.

The distance covered by the vessels is about 12,768 miles each round voyage. The mail service averages about thirty-three round trips each year. The United States Government pays an average of $427 per round trip for carrying its China mail. This payment can not be termed adequate remuneration for such postal services, and as contrasted with payments for railroad mail transportation, the injustice done to American steam-ships engaged in the foreign trade is at once apparent. The Post-Office Department pays American railroads for carrying the United States domestic mail an average of 10.95 cents per mile. If the same rate of payment were made to American steam-ships in the foreign trade by the Post-Office Department it would be some encouragement to steam-ship owners, but this is not the case, and the practical effect of the post-office law at present is to discourage the employment of American steam-ships in foreign commerce.

The Canadian Pacific Company established a four-weekly line of steamers between Vancouver, British Columbia, and China and Japan, in 1887, and ran them in opposition to the two steam-ship lines trading out of San Francisco.

The Canadian line was established in expectation of a substantial subsidy, which has since been realized.

A ten years' contract has been entered into by the British and Canadian Governments with the Canadian Pacific Company, by which the latter is to receive $400,000 a year for a four-weekly mail service, with three steam-ships between Vancouver, Hong-Kong, and Shanghai. The sea distance is considerably less on each round trip than the distance covered by the Pacific Mail and Occidental and Oriental vessels.

It is only necessary to contrast the postal subsidy payable to the British-Canadian line to China with the payment by the United States Government for carrying its mail by the American line from San Francisco to China, to realize the immense advantage British commercial interests enjoy over American commercial interests in the China trade. Thus, for the services of three steam-ships, making thirteen round trips each year, the owners are to receive for carrying the British mail in excess of $37,769 per round voyage. The United States Government enjoys the services of eight steam-ships sailing from San Francisco, making an average eleven-day service, the steaming distance being considerably greater than on the British line, and it pays the owners and charterers for carrying the American mail $427 per round voyage, as already presented.

The statement of this fact is enough to condemn the parsimonious policy of our Government in respect to ocean commerce, and to excite admiration for the liberal and progressive policy of England and Canada. The intention is that the Pacific Ocean line from Vancouver to China shall connect by the Canadian Pacific Railroad at Quebec and Halifax in summer and winter, respectively, with a weekly line of fast steam-ships to run from those ports to Liverpool, and for which England and Canada have contracted to pay an annual subsidy of $500,000.

The steam-ships for the Canada-Atlantic and Canada-Pacific lines are to be built under the admiralty rules, and to be capable of being converted into unarmored cruisers without delay or modification of any kind. For this the British admiralty pays a handsome bonus upon each vessel, and stipulates to make adequate compensation to the owners should the Imperial Government incorporate any of the ships in the navy of Great Britain. The amount of such payment can not be ascertained, but it is understood to be large.

The establishment of the Canadian Pacific Steam-ship line to China and Japan has had the effect of diverting a considerable amount of United States freight from the American railroads and steam-ship lines, making San Francisco their terminus. The Chief of the United States Bureau of Statistics reports an increase of 90 per cent. on the half year ended December 31, 1888, over the preceding half year, in the quantity of merchandise exported from the United States to China and Japan by the Canadian Pacific Railroad. The weight of the merchandise so transported for the six months in question is given at 2,175 tons, as against 5,488 tons for eighteen months ended December 31, 1888. The principal export in the last six months of 1888 consisted of 2,394¼ tons New England cotton goods, which showed that American manufactures are being shipped from Eastern points to China by the British steam-ship line, and not from San Francisco by an American line. As a further illustration of this diversion of trade, Vice-President Towne, of the Southern Pacific Railroad, stated before the Senate Interstate Commerce Committee that whereas the imports of tea by the American lines had decreased nearly 2,822 tons in 1888 as compared with 1887 the imports by the Canadian Pacific has increased by 1,849 tons.

The aggregate trade of the Dominion proper with China and Japan on the basis of goods entered for consumption and exported was $2,261,155 in 1888.

The aggregate value of the Japan and China trade of the United States in 1888 was $44,109,139, or about twenty times greater than the trade of Canada with those countries, yet the United States Government pays only $14,000 a year for its important and frequent China mail service; while England and Canada have contracted to pay $400,000 a year for an unimportant four-weekly service. England is also to pay a heavy construction bonus for naval purposes on the vessels employed. With such special advantages the Canadian Pacific can afford to quote rates which must drive the American lines out of the China trade, and inflict an almost irreparable injury upon San Francisco.

NORTH PACIFIC LINE TO BRITISH COLUMBIA.

1. Pacific Coast Steam-ship Company, American; runs a line of steam-ships every five days to Victoria, British Columbia, thence to Puget Sound ports and Alaska.

The Canadian postal department pays $1,470 per month for mail service performed by the company, or $17,640 per annum. The United States Government paid this company for one year $219.28 for carrying the American mail to British Columbia in fifty voyages. Comment upon these figures is superfluous.

MEXICAN AND CENTRAL AMERICAN LINE.

1. Pacific Mail Steam-ship Company, American; runs five steam-ships on the main line from San Francisco and Panama, touching at Mexican and Central American way ports, and forms connection with the Atlantic line of the same company at Aspinwall, by the Panama Railroad. Carries the United States mail. During coffee season makes three trips per month; fortnightly service at other times.

Receives ship's letter rates and inland postage for carrying the United States mail to Mexican and Central American ports of the Pacific Coast to Panama. The payment for this important and expensive service last year was an insignificant sum. The distance traversed each round trip is about 5,200 miles.

2. Pacific Mail Steam-ship Company, American; runs three coasting steamers from Central American ports to Panama.

3. Pacific Coast Steam-ship Company, American; runs one steam-ship monthly to Mexican ports from San Francisco. Is paid ship's letter rates and inland postages for the limited quantity of mail carried.

4. A small Mexican steamer runs to and from San Francisco in opposition to the American vessel, and enjoys special advantages. The Mexican Government pays the owners $2,700 per monthly trip; and they get an abatement of $650 monthly on port charges. This is equivalent to a subsidy of $40,200 yearly. In addition to this direct money payment to the Mexican steam-ship owners, American shippers have a rebate of 2 per cent. of customs' duties who patronize the line. To meet this, the American vessel is compelled to accept very low rates for freight or withdraw from the Mexican trade.

On the other hand, the United States collect tonnage dues on this Mexican steamer of about $600 per trip, and on account of a similar discrimination occurring in New Orleans, and as a retaliatory measure, orders have been issued by the Secretary of the United States Treasury to exact 10 per cent. duty on all goods hereafter imported by vessels under the Mexican flag.

The Marquis de Campo established a Spanish line of steamers between San Francisco and Panama about three years ago, but although subsidized by Spain and the Central American Government, it was not a success, and the vessels, four in number, were withdrawn after about a year's trial. This abortive attempt to drive the Pacific Mail Company off the Mexican and Central American trade suggests the possibility of more effective opposition in the interests of British shipping after the China and Australian trade has been captured from American steam-ship lines.

AUSTRALIAN, NEW ZEALAND, AND HAWAIIAN LINES.

1. Oceanic Steamship Company of California; American; employs four steamships to perform this important service, two of which are on the American and two on the Hawaiian register.

The Australian and New Zealand line provides a four-weekly service between San Francisco, Auckland and Sydney, which covers all Australian colonies; and as the vessels of this line call each trip at Honolulu, alternating with a direct steamer to that port, the Hawaiian Islands enjoy a fortnightly mail service with this coast. For this service, the Hawaiian Government pays $24,000 a year subsidy to the Oceanic Company.

The Australian line is subsidized by the Governments of New Zealand and New South Wales. These colonies pay in subsidy and bonuses about $200,000 yearly under the present contract. Up to November, 1885, the United States simply paid the steamship companies carrying the American mail to Australia and Oceanica ship letter rates, ranging yearly from $4,000 upwards. It would be a liberal estimate to average the general payments for postages by the United States to the steamships on the Australian line since 1870 at $10,000 per annum.

When the contract with the Oceanic Company was being entered into in 1885 the United States Postmaster-General was requested by the New Zealand Government to contribute an equitable share of the subsidy, and he consented to pay $20,000 a year for three years, which was intended by him to cover the transportation of the bulky United States mail to Honolulu, Samoa, New Zealand, Fiji, Australia, Tasmania, and other places in the South Pacific. This was not considered sufficient by the colonies, and great dissatisfaction at the niggardly policy of the United States was expressed. So strong did this feeling become that in 1888 the New Zealand legislature passed a resolution instructing the Government not to renew the contract after 1889, an extension for that year being agreed to. This extended contract expires November, 1889, so far as New Zealand is concerned.

The action of the New Zealand parliament and the general dissatisfaction of the colonies having been strongly presented to the Postmaster-General, he consented to pay $50,000 per annum for the United States Australian mail. This decision was not arrived at, however, until after the order to discontinue the California mail route had been made by the New Zealand legislature. It became operative for the present year, but inasmuch as one of the steam-ships owned by the company is not on the American register a reduction is made, the actual payment being $46,800. Of this amount the Oceanic Company receives $28,666 and the colonial governments $17,332 toward reducing their payment on account of subsidy.

It thus appears that the United States, with a population of 60,000,000, pays less than one-fourth the amount now contributed to the Australian mail service by New Zealand and New South Wales, which have jointly a population of 1,600,000. And it should be noted further that these British colonies pay this relatively large subsidy to an American steam-ship company for postal facilities of which the United States avails itself more than they do. The ratio of the United States mail carried by the Oceanic Company's steamers is that of five American pouches or bags to four British and colonial bags of mail.

The United States, while not contributing any substantial amount to the Australian mail service for many years, collected a large sum annually from the British post-office for the transportation of the Australian mail by railroad from New York to San Francisco. This charge has averaged for a considerable period about $80,000 yearly, and its imposition forms a serious objection by the colonies to the continuance of the California mail route.

New South Wales has conditionally agreed to continue this service for another year, but as yet nothing has been definitely settled. The colonies are reported to be willing to pay half the subsidy for an efficient fornightly mail service on the San Francisco route if the United States post-office pays the remaining half. This is a very liberal offer and calls for reciprocal action by the United States.

Meanwhile the Canadian Pacific is in the field urging its claims for a subsidy to a competing line from Vancouver to Australia. If the United States Postmaster-General could at once guaranty half the subsidy for a fortnightly Australian mail service, the colonial parliaments being now in session, the question might be speedily settled in favor of the San Francisco route; but this can not be done, and every day's delay improves the chances of the Canadian Pacific and weakens that of the American line.

The Australian mail service was established by New Zealand and New South Wales in 1870, and has been maintained by them ever since with the exception of one year's interval before the Pacific Mail Company got the contract in November, 1875, and which it held till November, 1885, when it was taken up by the Oceanic Company. The Pacific Mail Company withdrew from the Australian trade because without substantial aid from the United States Government the line would not pay with the greatly reduced colonial subsidy then offered.

It has cost the two colonies named about $5,000,000 to maintain this distinctly American mail service. The United States payment for carrying its Australian mail has not averaged $10,000 per annum for the seventeen years of actual running, but taking it at that figure there is a total expenditure of $170,000.

In point of fact, however, the United States Post-Office derived a large net revenue from the Australian postal line, established and maintained by colonial enterprise. The Post-Office retained all postages on mail matter originating in the United States, which was far in excess of its payments to the steam-ship owners for postal services; and it collected a further sum for railroad transportation of the closed British mail, which may be estimated at not less than $60,000 per annum for the entire duration of the service.

In 1880–'81 Congress appropriated $20,000 which the colonies received as a refund for that year of what was considered to be an excessive charge. Deducting this sum and the average payments to the steam-ships, there is an apparent aggregate net revenue to the United States Post-office on the Australian mail of $830,000, plus postages in excess of ship's letter rates. On the other hand, New Zealand alone, with a population at the present time of about 600,000, has paid in direct subsidies and bonuses to this line $3,021,465 since its establishment. What wonder if New Zealand declined to continue this subsidy, when the United States, whose commerce was being extended and which derived the greater share of the postal and other advantages not alone refused to pay an equitable amount for carrying its mail, but made it a source of revenue. Yet New Zealand is willing to bear a fair proportion of the cost of establishing a fortnightly service to San Francisco jointly with the United States.

Even the little kingdom of Hawaii, with a population of 80,000 people, paid a much larger sum annually, for the past eight or ten years, for its mail between Honolulu and San Francisco, a steaming distance of about 4,000 miles each round trip, than the United States, with its fifty or sixty millions of people paid for its Hawaiian, New Zealand and Australian mail, the steaming distance being 14,400 miles the round voyage.

The Oceanic Steam-ship Company will receive from the United States Post-office during 1889, for thirteen complete voyages $28,666, or about $2,205 per round trip of 14,400 miles. During the three previous years it received $20,000 per annum, or $1,538.46 per round trip; and for ten years previously the Pacific Mail Company did not average more than half that amount for performing a similar service for the United States Government. The burden of maintaining the Austrailian mail service via San Francisco fell upon two small British communities, and American steam-ship lines earned nearly all the colonial subsidies. This is hardly creditable to the United States.

The Australian mail service has developed a very important and increasing trade from San Francisco to Hawaii, Samoa, New Zealand, and Australia. The value of the Australian trade with the United States last year was $16,196,458, of which $3,407,358 fell to the share of San Francisco. The bulk of Australian trade was with the East. The maintenance of this mail service is therefore of the utmost commercial importance to Eastern manufacturers and shippers. It is capable, however, of very great development. The foreign commerce of the Australian colonies in 1887 aggregated $539,029,745; last year in round figures, it amounted to $600,000,000, with a population of about four millions in all the colonies.

England controls this trade, and pays large subsidies to the Peninsular and Oriental, and Orient Steam-ship lines for postal purposes to enable her to retain it. The Australian colonies also subsidize these lines, and the British India Steam-ship Navigation Company—a very powerful organization—is also subsidized by the Queensland Government. New Zealand also pays a subsidy of $100,000 a year for a direct steamer service to England in addition to its contribution to the San Francisco service. Yet the experience of most of the colonies in question is that the postages nearly recoup the subsidies, the payment of which develops commerce.

The Canadian Pacific is endeavoring to obtain a subsidy for a line of steam-ships from Vancouver to Sydney via Fiji, with a branch line from Fiji to Auckland. The Dominion Government has promised a subsidy, and a conference of representatives of the various Australian Governments has been arranged to meet a Canadian representative and discuss the terms upon which Australia will participate in the Canadian project. Should this conference come to a mutual understanding and agreement, it is intended by New South Wales to withdraw from the San Francisco mail service and take up the Canadian Pacific line to Vancouver. This would be very injurious to American commerce, and especially so to San Francisco, which benefits largely from Australian travel. The danger is imminent, and should be met by prompt defensive measures. The establishment of a fortnightly American steam-ship line to Auckland and Sydney from San Francisco suggests itself as the most direct and effective way to preserve the Australian trade.

STEAM-SHIP COMPENSATION.

The second proposition in the reference to your committee is "the liberal compensation by the Government for the carriage of ocean mails on Pacific Ocean routes."

Having presented in the foregoing recital the policy of the United States Government in regard to ocean mail payments, and its necessarily injurious effect upon the foreign commerce of the country, it is proper to consider the remedy that should be applied. And here your committee have the practice of other countries to guide them.

England has built up her vast shipping interests by liberal subsidies paid to steam-ship companies for postal services. France, Germany, and Italy are following England's example with marked success. An English parliamentary commission recently elicited the information from Clyde ship-builders that orders from the continent of Europe for ships were now rarely secured, the bounty system and subsidies having led to the establishment of great ship-building yards in France and Italy especially. These countries will soon be wholly independent of England for their ships, the adoption of the British policies having accomplished that for them.

England paid $5,950,000 in steam-ship subsidies in 1854. After our civil war, the payment of subsidies was reduced to $4,000,000, but it was soon increased to $6,107,000, and thereby England succeeded in checking the attempt at competition by American steam-ship lines. The Brazil service established by John Roach was run off by a competing English line guarantied 8 per cent. on the capital stock by the British Government. The same policy is being applied to the Pacific Ocean trade. The China trade is already doomed; so also is theAustralian and Central American trade unless Congress adopts prompt and effective measures to preserve and extend our commercial influence in the Pacific.

Without going into details, it appears to your committee that the French system is best adapted to meet the exigencies of the case. The United States is practically without a merchant navy. England has in round figures an excess of 3,000 steamships in the foreign trade, with a carrying capacity of over 3,000,000 tons. The United States has 40 steamships in the foreign trade of 75,000 tons. The total tonnage of England is about 6,000,000 tons; of the United States about 800,000 tons. American bottoms now barely carry 14 per cent. of American foreign trade; in 1855, 75¼ per cent. of our foreign commerce was carried by American ships.

Steam-ships and sailing vessels must be built in America if we are to become a powerful maritime nation; and they must be built upon terms which would enable their owners to obtain them as cheaply as they could buy them abroad. There is a difference in builders' cost of 15 per cent. in favor of British iron or steel ships as

against American ships. This difference should be made good by a bounty, but that would hardly suffice under actual conditions. The great demand for ships under such a policy would necessarily increase wages, hence add to the cost of construction. The bounty should cover that, and it should also be sufficient to induce capitalists to establish new ship-building yards and foundries to supply the wants of the American foreign trade.

The French bounty system would probably suffice, and should have a test of at least fifteen years. France pays $11.58 per ton bounty for iron or steel hulls; $7.72 per ton bounty for composite vessels; $3.86 per ton bounty for wooden vessels. A further sum of $3.52 bounty is paid for every 225 pounds of boilers and machinery placed on board; also a navigating bounty of 29 cents per ton for each thousand miles traversed, the payment being reduced 1 cent per ton for every year the vessel floats. In addition to this, iron or steel vessels built according to the marine department plans receive a further bonus of 15 per cent. France also pays heavy postal subsidies. The Messageries Maritimes Company, in the Australian and China trade, receives in all about $2,500,000 a year.

Italy pays a construction bounty of $5.70 per ton for iron and steel; also a considerable bounty on engines and boilers, a navigation bounty and other specific advantages which need not be enumerated.

Germany aids liberally in construction and pays heavy postal subsidies, the North German Lloyds in the Australian and American trade receiving $1,100,000 a year.

Spain pays very liberal postal subsidies, and is extending its commerce, a new Spanish steam-ship line from Genoa to Colon having been announced recently. Spain pays to its postal routes to Mexico, the West Indies, and the United States $1,022,640 per annum, and the lines from Havana to the United States receive $20,687 per voyage.

The necessity for a navagation bounty to American steamships as well as a liberal construction bounty will be evident from the fact that the cost of sailing an American vessel is far greater than that of sailing an English or other foreign vessel of the same tonnage. According to the United States consular reports, English officers and men receive 38 per cent. lower wages than American crews, while the American crews demand 27 per cent. better fare than the English. This comparison is for the Atlantic voyage; if a Pacific voyage were selected the difference against the American owners would be more marked still, because on the Pacific trade the men insist upon higher wages and more expensive food supplies.

Congress therefore should protect American vessels engaged in the foreign trade as fully as the owners of vessels of any other nation are protected by their Governments. If it does not do so it will be impossible for American ships to be built and compete with foreign vessels in ocean commerce. They are wholly unable to do so now. As an illustration of this your committee would cite the fact that of a total grain fleet last season at San Francisco numbering 289 vessels, only 60 were American, while 199 were English, the remainder belonging to other nationalities. Estimating the freight at 30 shillings per ton, foreign ship-owners must have received $5,165,304 freight from this State last season, while American ship-owners only earned $929,838. Freight is always paid in gold, and it appears to your committee that it is the pressing duty of Congress to stop this immense drain of gold and enable Americans to build and sail steamships and other vessels to compete upon equal terms in the open market for a share of the world's commerce while handling their own.

FORMATION OF A NAVAL RESERVE.

This brings your committee to the last point, namely, that "the United States mail should be carried on American vessels available for war and for transport purposes."

National safety demands that this should be the case. England is girdling the world with swift unarmored cruisers, built as men-of-war, but sailed as passenger and mail boats in time of peace. The terms of the Canadian Pacific contract for the China service, and of Messrs. Anderson's contract for the connecting Atlantic line serve to disclose the policy of England upon this point, and should lead to the adoption, by the United States, of a similar policy. France, Germany, Italy, Spain—indeed all maritime countries—have adopted the English method of creating a naval reserve while stimulating trade and commerce. England pays liberally for the privilege of supervising the construction of these ships, and this country can afford to outdo her in liberality. There is no time to be lost. American interests are spreading; American commerce is the largest factor in the world's trade; and America should not be at the mercy of any foreign power to destroy its commerce at pleasure. Our flag should be on every sea, and the National Government should have the means at its command to protect it.

CONCLUSIONS.

Your committee, from a consideration of the foregoing, would submit the following resolutions for adoption:

Whereas it is of the utmost national importance to maintain and improve the existing American steam-ship lines on the Pacific Ocean, and to establish new steam-ship routes for the extension of American commerce; and

Whereas an enlightened policy of national defense demands the formation of a strong naval reserve to co-operate with the national ships in time of war,

Be it resolved, That Congress be requested to adopt measures whereby the following results may be obtained, namely:

To enable the American-China line from San Francisco to compete successfully with the subsidized British China line from Vancouver.

To establish and maintain at least one new and efficient steam-ship line between San Francisco and South American ports.

To establish and maintain a fortnightly mail and passenger service between San Francisco and Australia, touching at Honolulu, Samoa, and New Zealand.

To maintain the independent Hawaiian mail steam-ship service.

To develop American trade with Canada by paying an adequate amount for the conveyance of the United States mail to British Columbia ports.

To maintain and extend the existing American steam-ship service between San Francisco and Panama, calling at Mexican and Central American ports.

To encourage American steam-ships to engage in the Mexican trade by placing them in a position to compete successfully with subsidized vessels of any nationality.

And be it further resolved, That in order to encourage American ship-building and to create a strong naval reserve, as well as to establish and maintain the above-mentioned Pacific steam-ship routes, all of which are absolutely essential to the extension of American commerce, Congress be requested to adopt the French scale of construction, navigation and naval bounties, for iron or steel, composite and wooden vessels; provided that no steam-ship intended for the American foreign trade shall be entitled to receive a bonus from the navy appropriation unless it shall have been built according to the rules of the Navy Department and enrolled in the navy reserve list.

That for the better development of American trade and commerce it is a primary condition of success that liberal payments should be made to American steam-ships carrying the United States mails, to enable them to compete with subsidized foreign vessels on the same routes.

That Congress be requested to enact the necessary laws to give effect to these resolutions and appropriate a sufficient sum for the above-mentioned purposes.

REPORT ON THE ENCOURAGEMENT OF MARITIME COMMERCE AND INCREASED ENERGY IN THE CONSTRUCTION OF A NAVY, AS ADOPTED BY THE CONFERENCE.

We find that for twenty years past the United States has stood fourth in rank among the great commercial nations of the world. Her zenith in export and imports footed $1,586,490,598 in 1880, or about $100,000,000 more than last year.

Great Britain's highest point was at $3,563,577,370 in 1883, of which she dropped $325,000,000 within four years thereafter, and showing an excess of imports of about $400,000,000.

Germany is second in rank, commercially, with about two-thirds the trade of Britain, but uniformly steady, and exports and imports about equal.

France did her best at $2,087,903,694 in 1882, and has lost some $300,000,000 of commerce since, and buys from $100,000,000 to $200,000,000 worth more than she sells annually.

Spain's last figures were her best—which in 1886 were $305,433,469, and just doubling her commerce in sixteen years, with exports and imports nearly equally divided, and the movement gradually increasing.

The commerce of the United States nearly doubled in seventeen years, and was greatest from 1880 to 1882 inclusive. The balance of trade ran largely against her from 1848 to 1875, but for the twelve years past it has been much in her favor, until the last year, when it ran against her slightly.

Those of our neighbors nearest to us, on our own continent, and more nearly related in form of government than any other people, are prominent among those holding the balance of trade against us. They assure us, however, that this is contrary to their expressed will and desire, and that they prefer looking to our country for many articles of commerce rather than elsewhere, but have been denied this privilege through want of proper facilities of transportation, which they are not able to pro-

vide for themselves. Even the Australian colonies of Great Britain have frequently expressed their desire to have closer and increased trade relations with us and have offered to meet us more than half way in justifying the maintenance of more effective transportation lines.

CARRYING TRADE.

The shipping of the United States in mixed tonnage, engaged in the foreign, coasting and fishing business, reached its greatest magnitude in 1861, when it stood at 5,539,813 tons. In 1888 the figures were 4,191,916 tons, showing an apparent loss of 1,348,897 tons; but as the tonnage was rapidly changing from sail to steam, the difference shown in the above footings is misleading.

We will, therefore, convert steam tonnage into sail tonnage by the usual process of multiplying by three, in order to reach a fair comparison.

Growth of foreign commerce.

	Steam.	Sail.	Total.
Foreign vessels entered:	*Tons.*	*Tons.*	
1888	6,600,194	5,426,142	12,026,336
1864	729,730	1,782,317	2,512,042
Gain in mixed tonnage			9,514,289
American vessels entered:			
1888	1,632,657	1,734,100	3,366,757
1864	153,230	1,502,209	1,655,434
Gain in mixed tonnage			1,711,333
Converting steam to sail, 1888.			
Foreign			25,236,924
American tonnage			3,971,507
Gained in twenty-four years:			
Foreigners			21,255,417
Americans			545,736
Total efficient tonnage engaged in foreign trade			32,714,989

Foreigners gained thirty-nine times as much as Americans.
American tonnage was double that of foreign in 1864.
Foreign tonnage was treble that of American in 1888.

Growth of American shipping engaged in the foreign, coasting, whaling, and fishing trades.

Years.	Foreign.	Coasting.	Whaling.	Fishing.	Total.
1864	1,486,749	3,245,265	95,145	159,241	4,986,400
1888	919,302	3,172,120	24,482	76,012	4,191,916
Apparent loss					794,484

Converted to sail it stands:	
1888	7,488,056
1864	6,942,320
Gain, tons	545,736

And we have sold to foreigners, from 1861 to date, 1,398,548 tons.

Our lake and river tonnage shows a small decrease in the same time, but in efficiency is, no doubt, largely increased by the use of steam.

EXPORTS AND IMPORTS.

Our exports and imports in 1888 were $1,486,598,039.

Our exports and imports in 1864 were $475,285,271.

Foreign vessels carried in 1888 78 per cent of tonnage and 80.92 per cent. of its value.

American vessels carried in 1888 22 per cent. of tonnage and 13.48 per cent. of its value.

Freight carried by foreign vessels was worth $100 per ton.

Freight carried by American vessels was worth $60 per ton.

Steam-ships of Americans carried 7.45 per cent. of merchandise value.

Steam-ships of foreigners carried 79.13 per cent of merchandise value.

Since 1864 the exports and imports have doubled and the tonnage employed has in efficiency trebled. This increase in tonnage over freight requirements is no doubt due to the large and increasing passenger transportation service.

Our Bureau of Statistics only take an account of immigrants, and we do not find any authority giving the figures of the passenger movement, and therefore can not determine the extent of this service or by whom it was performed.

Over half a million immigrants came by sea in 1888, while the entrances and clearances of vessels footed over 30,000,000 tons, to which, if carrying capacity is estimated, we may add 15,000,000, making 45,000,000 of tonnage, with an earning capacity of perhaps $200,000,000 annually.

If we should now add $200,000,000 more for passenger service, and make the carrier service $400,000,000 per annum, we would perhaps not be much out of the way.

It is not surprising, then, that Great Britain can import $400,000,000 worth more than she exports, when it is seen that most of that money is paid out by our country to her in the carrying trade, and which affords more net profit to her than ordinary exports to the same amount.

This trade has enabled foreigners to build and equip the most magnificent steam-ships and sailing vessels the world has ever seen. Humiliating as this may be to our people, there is a hidden danger therein of much more serious importance. These mammoth steam-ships and sailing vessels that we have brought to life, and now the pride of our own countrymen, are subject at any moment to be withdrawn by their respective governments for purposes of war. We are thus without ships to carry our products abroad at a time when they would be most needed and the best results could be obtained. And if by any means the war should be with this country we would learn a lesson never to be forgotten in that we have educated an alien population in all the qualifications necessary to man a grand fleet of navy vessels, and have admitted these into our innermost thoughts, and places wherein we may be most defenseless. We would never more build vessels with our own money under the supervision of aliens for war purposes of their own. And when these, our favorite ships, were mounted with monstrous foreign guns and pointed at us—their creators—together with the astounding demand of your money or your lives, we would shrink into utter nothingness at the evidence presented of our consuming stupidity.

A COMPARISON WITH OTHER COUNTRIES.

We are exporting in agricultural products nearly $600,000,000 worth, in which there is but little profit, and less than $100,000,000 in manufactured goods, on which there may be a good profit. We are suffering our unprotected farmers to contend with the ryots of India, the coolies of China, and the serfs of Russia in furnishing the world with a supply of cheap food in which there can be but little profit.

We are establishing mechanical labor unions throughout our country in order to secure greater prosperity to our laborers, and then inviting 1,000,000 of aliens annually from abroad to partake of our generous hospitality and wise provisions. We are educating our youth to higher and nobler efforts than required in the mechanical arts, and importing adult artisans to fill up the ranks.

Other countries are fostering their manufacturing and productive capacity by supplying the wants of other countries, through their commercial marine, and thus contesting with the world, while we are running over each other and destroying our productive factories in competition for home trade.

They control the exchanges of the world, and we furnish them the gold as a basis, and then pay them a royalty for their signatures. They sit in judgment, through their Lloyds, to fix the character and value of our shipping, and, as competitors, benefit by their rulings, from which there is no appeal.

Their flags reach the remotest corners and by-places of the earth, while our nationality is not manifested by the flags flying in our own harbors. They tax their ships on the net profits earned, and we tax ours for all they are worth, and force them to seek shelter under other flags.

We all sign treaties not to discriminate against each other's ships in port charges, and they, through postal contracts and military necessity bills, sustain their ships, while we observe the treaties, and lose our carrying trade.

England pays $3,500,000 annually for postal packet service, and we pay $500,000, and most of that goes to them. Foreign powers have a permanent head to their maritime affairs, where the accretions of dearly-bought experience may rest with the assurance of its practical utility at the proper time. We change our heads of departments every four years, and allow our experience to be thrown to the winds.

They command the respect, admiration and following of the world, and have for many years, while we are just becoming known as a power. England expends some

sixty millions annually on her navy and untold millions in favors to her merchant marine. We expend grudgingly about fifteen millions on our Navy, and next to nothing on our merchant marine.

The other great powers educate their young men to fill responsible positions in the interests of both war and commerce, while we employ them and let ours go idle. They contend with all their vigor and means, assisted by their Government, in securing the most remunerative employments for their people, while we accept with indifference what they may choose to leave us.

Europe supplies us with our sugar at a good profit—something we can furnish better than she can—and we pay for it in agricultural products, in which there is no profit. We send our products, mails, and passengers to eastern South America, via Liverpool, by the carriers of our competing foreign friends, and expect our commerce to grow; and all these and many more are methods of statesmanship that have been discovered by our people and for which we are clearly entitled to a patent.

OUR WEALTH AND RESOURCES.

In extent of territory and sea-coast, variety of soil and climate, wealth of resources, and general intelligence of her people, the United States stands second to none of the great nations of the earth. And when our commerce shall have reached around the world, and she has a navy to protect it and the people in their homes, she will be a fitting example of the beneficent results of liberty and freedom under a republican form of government.

This conclusion would have been reached ere this had the agricultural interest of the great interior portion of our country been better informed in relation to the effect on their prosperity of liberal provisions on the part of Congress toward our mercantile marine. Had our farmers realized that the building of ships and ship-yards, the opening of a multitude of iron mines, the building of factories and towns to supply distant countries with our manufactured products, and the consequent withdrawal of a large number from overcrowded agricultural pursuits to engage in new enterprises, they would long ago have persisted in demanding of Congress better transportation facilities by sea. In the early history of this country, when the agriculturists lived near the sea, commerce thrived.

The advent of more commerce and an increased navy means the employment of a multitude of officers, artisans, men of affairs, seamen, and common laborers—many of whom may be idle to-day for lack of employment. In fact, there is not a calling at present but what would receive a new impulse leading to better things. And no one can say that rendering ourselves independent as much as possible, and protecting our lives and property, is not the direct line of duty.

Therefore be it resolved:

(1) That a permanent Bureau of Navigation be established to look after the interests of commerce and check at once any move made by other countries to our disadvantage.

(2) That Congress provide for the payment of a direct bounty from the Treasury to all builders of wood, iron, and steel vessels, steam or sail, to be engaged in the foreign trade, or between Atlantic and Pacific ports of the United States, and using American material; said bounty to be equal to the import duty which would have been collected upon the importation of foreign material of like description and quantity, or the alternate of the French bounty system as follows:

$11.58 per ton bounty for iron or steel hulls,
7.72 per ton bounty for composite hulls,
3.86 per ton bounty for wooden vessels.

And a further sum of $3.52 bounty for every 225 pounds of boilers and machinery placed on board, also a navigating bounty of 29 cents per ton for each thousand miles traversed, the payment being reduced 1 cent per ton for every year the vessel floats. In addition to this, iron or steel vessels, built according to the Navy Department plans, to receive a further bonus of 15 per cent.

(3) That Congress further enact an apprentice system for all vessels of the United States employed upon the high seas.

(4) That the maritime laws of the United States be so amended as to control the pilot services in all ports of the United States.

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51ST CONGRESS, 1st Session. } SENATE. { EX. DOC. No. 175.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

In response to resolution of June 30, 1890, information relative to the work in the Bureau of Engraving and Printing.

JULY 10, 1890.—Laid upon the table and ordered to be printed, and to be printed in the Congressional Record.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 8, 1890.

SIR: I have the honor to transmit herewith, in response to Senate resolution of the 30th ultimo, a letter from the Chief of the Bureau of Engraving and Printing, which contains information as to expenditures since April 1, 1889, for hand presses and their appurtenances, and a comparison of the amount of work performed in the Bureau, and its cost, as between the fiscal years 1889 and 1890.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to return herewith the Senate resolution adopted June 30, 1890, and referred to me by your office on the 1st instant for report. The resolution is as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate as soon as may be with all the information in his possession as to:

First. The number of hand plate-printing presses purchased or ordered for use in the Bureau of Engraving and Printing since April 1, 1889, and the amount of their total cost, together with the stoves and other things that go with them in order to make them complete.

Second. The number of hand plate-printing presses that have been repaired and put in order since April 1, 1889, and the cost of putting them in repair, together with the stoves and other belongings.

Third. The number of hand-roller presses that have been put in use since the 30th of June, 1889, to take the place of the nineteen steam plate-printing presses then in use and the total cost of these hand presses and their fixings, including the stoves.

Fourth. The amount of extra time or overtime worked by other employés in the Bureau of Engraving and Printing than the plate-printers, and the total amount paid for such overwork since the 30th of June, 1889, up to date, and the amount estimated from date to June 30, 1890.

Fifth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate printing presses from the 1st of July, 1889, to

June 30, 1890, both dates inclusive, and the cost of printing, *i. e.*, the wages paid the plate-printers, their assistants, superintendents, etc.

Sixth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate presses from July 1, 1888, to June 30, 1889, both dates inclusive, and the cost of printing the same, including the items, specified in the preceding paragraph.

The following are answers to the inquiries made in the several paragraphs of the resolution:

1. The number of hand plate-printing presses purchased or ordered since April 1, 1889, was 34.

The total cost of the presses referred to in this paragraph, together with the stoves and other things that go with them in order to make them complete; and the total cost of putting in repair the presses referred to in the second paragraph, and of the stoves and other belongings, can not readily be divided for statement, respectively, as to these two paragraphs, but are given in consolidated form in answer to third paragraph.

2. The number of hand plate-printing presses repaired and put in order since April 1, 1889, was 33.

3. The number of hand-roller presses put in use since June 30, 1889, was 67.

The total cost of these hand presses and their fixings, including the stoves (since April 1, 1889), was $9,962.72.

4. The amount of extra time or overtime worked by employés other than plate-printers (and assistants) since June 30, 1889, to and including June 30, 1890, was equal to two thousand eight hundred and sixty and five-sixteenths days for one employé; and the amount paid therefor was $9,492.35.

5. The number of merchantable (perfect) impressions printed on steel-plate presses from July 1, 1889, to June 30, 1890, both dates inclusive, was 45,868,977; and the cost of printing, *i. e.*, the wages paid the plate-printers, their assistants, superintendents, etc., was—

Printers and assistants	$451,978.20
Superintendents and assistant superintendents	10,816.35
Total	$462,794.55

6. The number of merchantable (perfect) impressions printed on steel-plate presses from July 1, 1888, to June 30, 1889, both dates inclusive, was 49,893,309; and the cost of printing the same, including the items specified in the preceding paragraph (and also the royalty paid for printing on steam presses), was—

Printers and assistants	$370,858.43
Superintendents and assistant superintendents	12,534.65
	383,393.08
Royalty on steam-press plate printing	18,521.78
Total	$401,914.86

Respectfully submitted.

WM. M. MEREDITH,
Chief of Bureau.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 176.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report of the International Conference on the subject of International sanitary regulations.

JULY 11, 1890.—Read, referred to the Committee on Epidemic Diseases and ordered to be printed.

INTERNATIONAL SANITARY REGULATIONS.

To the Senate and House of Representatives:

I invite your attention to the accompanying letter of the Secretary of State, submitting the recommendations of the International American Conference, for the better protection of the public health against the spread of contagious diseases.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 11, 1890.

DEPARTMENT OF STATE,
Washington, July 11, 1890.

THE PRESIDENT:

For the information of Congress, I beg leave to submit herewith a copy of a report adopted by the International Conference, recommending the establishment of a uniform system of sanitary regulations to prevent the spread of epidemics in commerce between the American nations.

The sanitary officers of the gulf cities of the United States have hitherto found great difficulty in protecting the public health against contagious diseases brought by shipping from South American, Central American, Mexican, and West Indian ports, without restricting the freedom of commerce. At certain seasons of the year the quarantine regulations which they have been compelled to adopt have often placed an absolute embargo upon communication with the tropical countries where such diseases originate. The same difficulties have been experienced in a like measure by the neighboring nations; and the attention of sanitary specialists, both in Europe and America, has been for years engaged in the task of devising some remedy

International sanitary conventions were held at Rio de Janeiro in 1887, and at Lima, Peru, in 1889, and were composed of eminent scientists who gave the subject their closest investigation. At both these conventions regulations were framed for the protection of shipping and of ports exposed to infection, which agree in all their essential provisions. Those of the convention of Rio de Janeiro were adopted by Brazil, Paraguay, Uruguay, and the Argentine Republic, and are now enforced in the ports of those nations. The recommendations of the Lima conference have not been carried into effect. Colombia, Venezuela, and the nations of Central and North America were not represented at either convention, but they are equally interested in securing the results desired; and the International American Conference recommends the acceptance and enforcement by them of the regulations of the Rio de Janeiro convention, or those adopted at Lima, as the best systems that have yet been devised. Copies of both are furnished herewith for the information of Congress.

Respectfully submitted.

JAMES G. BLAINE.

INTERNATIONAL AMERICAN CONFERENCE.

REPORT ON SANITARY REGULATIONS.

To the honorable the International American Conference:

The committee appointed to "consider and report upon the best methods of establishing and maintaining sanitary regulations in commerce between the several countries represented in this Conference" has finished its task, and as the result thereof, has the honor to submit to your distinguished consideration a resolution for your adoption, to which is attached, as accompanying appendices, the full text of the proceedings of the International Sanitary Convention of Rio de Janeiro, of 1887, and the draft of convention agreed upon by the Sanitary Congress of Lima, of 1889.

One of the most important subjects submitted to the honorable International Conference is, without doubt, to decide upon methods tending to prevent the conflict which may arise at the time of epidemic invasions between the diverse sanitary regulations which the American nations have seen fit to adopt in order to shield themselves from such invasions.

If the regulations of sanitary police have in view the harmonizing of the exigencies of public health with the principle of free communication between countries, it is evident that international sanitary conventions are called to put that harmony into practice by means of uniform and impartial regulations, which shall consult the general interests of the countries in their commercial relations.

The committee has carefully examined the work of special conferences and congresses which have met at different times in several parts of the world, and has reached the conclusion that it has duly discharged its duty by making a selection from among those works which are the result of exhaustive studies made by men eminent in the science of medicine in Europe as well as in America.

Complete isolation, which theoretically appears to be the most effective prophylactic against the invasions of epidemic diseases, does not afford, in practice, satisfactory results as a sanitary measure, but tends,

on the other hand, to notably injure the commercial interests of the countries. The distinguished professor, Dr. Francisco Rosas, president of the Sanitary Congress of Lima, thus expresses himself on this point:

It is scientifically demonstrated by innumerable facts that the closing of ports and frontiers does not prevent the invasion of epidemics; that these enter and develop with greater violence in the countries which pretend to isolate themselves, because, under the mistaken belief that they are free of all danger, they disregard the proper means to restrain the development of the epidemic and, above all, to lessen its severity.

But if absolute isolation as a prophylactic is nothing more than an illusion, the same may not be said of the sanitary means that modern science has placed within our reach for the disinfection of infected localities, as well as to prevent the introduction and development of contagion in those which have remained in a state of health.

The committee did not enter deeply into this branch of the subject, because the Rio de Janeiro Convention, as well as the draft of the Lima Congress, the adoption of which is recommended, start with the fundamental principle that the absolute closing of ports and frontiers should be renounced, for the reason that if this were put in practice international sanitary conventions would be unnecessary.

The Rio de Janeiro Convention and the draught of the Congress of Lima are works which have exhausted, so to speak, the subject which engages our attention, and because of the accuracy, clearness, and care with which they have been edited, they may serve as a model, with respect to form and general idea, for sanitary conventions. Therefore, the committee thinks it should recommend them to the consideration of the honorable International American Conference.

THE RECOMMEDATIONS OF THE CONFERNCE AS ADOPTED.

The International American Conference, considering:

That under the existing state of the relations between the nations of America, it is practicable and advisable, for the promotion of these relations, to establish perfect accord with respect to sanitary regulations;

That the greater part of the ports of South America on the Atlantic are guided and governed by the decisions of the International Sanitary Convention of Rio de Janeiro, of 1887;

That although it does not appear that the plans of the Sanitary Congress of Lima, of 1888, have passed into the category of international compacts, it is to be hoped that they will be accepted by the Governments that participated in the said congress, because those plans were discussed and approved by medical men of acknowledged ability;

That the Sanitary Convention of Rio de Janeiro, of 1877, and the draught of the Congress of Lima, of 1888, agree in their essential provisions to such an extent that it may be said they constitute one set of rules and regulations;

That if these were duly observed in all America they would prevent under any circumstances the conflict which usually arises between the obligation to care for the public health and the principle of freedom of communication between countries;

That the nations of Central and North America were not represented either in the Sanitary Convention of Rio de Janeiro or the Congress of Lima; but that they might easily accept and apply to their respective ports on both oceans the sanitary regulations before cited:

Recommends to the nations represented in this Conference the adoption of the provisions of the International Sanitary Convention of Rio de Janeiro, 1887, or the draught of the Sanitary Convention of the Congress of Lima, of 1888.

APPENDIX.

CONVENTION OF RIO DE JANEIRO.

We, Maximo Tajes, lieutenant-general, president of the Oriental Republic of Uruguay, to all to whom these presents shall come, hereby announce:

That on the 25th and 26th days of November, of the year one thousand eight hundred and eighty-seven, there were agreed upon and signed between our plenipotentiary and those of the Argentine Republic and the Empire of Brazil, duly authorized by the appropriate full powers, and international sanitary convention and corresponding ordinance, of which the literal tenor is as follows:

His excellency, the president of the Oriental Republic of Uruguay, her highness, the Princess Imperial Regent, in the name of his majesty, the Emperor of Brazil, and his excellency the president of the Argentine Republic, having resolved to join in a sanitary convention, named for the purpose as their plenipotentiaries the following:

His excellency the president of the Oriental Republic of Uruguay (named) Don Carlos Maria Ramirez, envoy extraordinary and minister plenipotentiary upon special mission to his majesty the Emperor of Brazil.

Her highness the Princess Imperial Regent (named) the Baron of Cotegipe, of the council of his majesty the Emperor, senator, and grandee of the empire, dignitary of the Imperial Order of the Crozier, commander of the Order of the Rose, Grand Cross of that of our Lady of the Concepcion of Villa Viçosa, of Isabel the Catholic, of Leopold of Belgium, and of the Crown of Italy, president of the Council of Ministers, and minister and secretary of state for foreign affairs, and of the interior for those of the empire.

His excellency the President of the Argentine Republic (named) Don Enrique B. Moreno, envoy extraordinary and minister plenipotentiary to his majesty the Emperor of Brazil, who, having mutually presented their full powers, which were found to be in good and proper form, agreed upon the following articles:

ARTICLE 1.

The three high contracting parties agree to adopt the following definitions:

Exotic contagious diseases.—The yellow fever, cholera morbus, and Oriental plague.

Infected port.—One in which any of the diseases mentioned prevails in epidemic form.

Suspected port.—1st, one in which there shall have occured some isolated cases of any of the contagious diseases: 2d, one which has easy and frequent communication with infected places; 3d, one which does not adequately guard itself against infected ports, with reference to the principles of this convention.

The designation of a port as infected or suspected shall be made by each Government, in the proper case, on the report of the chief of the maritime sanitary service, and officially published.

Infected vessel.—One in which there shall have occurred any case of a contagious disease.

Suspected vessel.—1st, one which, while proceeding from an infected or a suspected port, shall not have had during the voyage any case of contagious disease; 2d, one which, while proceeding from a clean port, shall have touched at an infected or suspected port, excepting in the case excepted under paragraph 10 of Article 8; 3d, one which, during the voyage or on arrival, communicates with another ship hailing from a port which is unknown, infected, or suspected; 4th, one in which deaths shall have occurred from unknown causes, or in which there shall have been several cases of any disease; 5th, one which shall not have brought a clean bill of health from the port of departure, as also from intermediate ports, duly visèd by the consuls of the country of destination in those ports; 6th, one which, having been quarantined or subjected to special sanitary treatment in any of the quarantine stations of the three contracting states, shall not come provided with the international certificates of admission to free intercourse.

Suspected objects, or objects deemed capable of retaining or transmitting contagion.—Clothing, cloths, rags, mattresses, and all articles of personal use and service, as well as bags, trunks, or boxes, used for the keeping of these objects, and also untanned hides. Other articles not before specified, as well as animals on the hoof, shall not be deemed suspected.

ARTICLE 2.

The Governments of the three high contracting parties shall establish their respective sanitary services in such manner as to enable them to carry out and comply with the stipulations of the present convention.

The chiefs of the said sanitary services shall communicate with one another whenever it may be necessary, and each of them shall be at liberty to make to the others such suggestions as he shall deem desirable with reference to the exercise of their functions.

For the administration of the sanitary services there shall be issued an international ordinance making uniform the general or special provisions applicable to the three states.

ARTICLE 3.

The high contracting parties undertake: 1st, to establish the necessary quarantine stations, it being desirable that land quarantines shall be established upon islands; 2d, to establish and maintain, during the prevalence of epidemics, at least one floating quarantine station; 3d, to establish, in connection with the land quarantine, floating hospitals for the treatment of persons attacked by exotic contagious diseases in ships arriving, in those already at anchor, and in the quarantine stations; 4th, to deem valid, for the purposes of this convention, in any of their ports, the quarantines and sanitary measures resorted to in any of the quarantine stations of the three states, provided they shall be officially authorized in an authentic manner; 5th, to abstain from closing their respective ports, and from excluding any vessel, whatever may be the sanitary condition on board thereof.

ARTICLE 4.

No vessel, proceeding from foreign ports, shall be admitted to free intercourse in the Brazilian, Argentine, or Uruguayan ports without having first been subjected to a sanitary visit by the proper authorities, save in the case excepted from paragraph 10 of Article 8. In such visit, the said authorities shall carry on the investigations necessary for the complete ascertainment of the sanitary condition on board, and shall determine the treatment to which the vessel must be subjected, the captain being notified in writing.

ARTICLE 5.

For the execution of the provisions of the foregoing article the high contracting parties agree to distinguish three kinds of vessels: 1st, steamers carrying less than one hundred steerage passengers; 2d, immigrant transports, that is, steamers which, whether they carry the mails or not, carry more than one hundred steerage passengers; 3d, sailing vessels.

1.—Vessels of the 1st and 2d classes must carry a physician on board and be provided with—

A steam disinfecting stove.

A supply of disinfectants and disinfecting utensils, in accordance with the international sanitary ordinance.

A drug schedule book, in which shall be entered the quantity and kind of drugs or medicines on board at the moment of exit from the port of departure, as also the additional supplies which it may have received at the intermediate ports.

A book for the registration of medical prescriptions.

A clinical record in which shall be noted in fullest detail all cases of sickness occurring on board and the treatment adopted in such cases respectively.

A passenger list indicating the number, age, sex, nationality, profession, and residence.

The list of the officers and crew.

The manifest of the cargo.

2. The books mentioned in the foregoing paragraph shall be opened and marked ("rubricados") and their leaves stamped by the consul of one of the contracting states in the port of departure; and the leaves referring to each voyage shall be closed by the sanitary authorities of the port of destination.

The commanders of vessels shall not pay any charges for the official handling ("habilitacion") of said books.

3. All the vessel's papers shall be submitted for examination to the consular authority in the port of departure, and to the sanitary authority in the port of arrival, it being incumbent upon the former to note upon the bills of health, on viseing them, the presence or absence, total or partial, of the books and lists named in paragraph 1 of this article.

ARTICLE 6.

All vessels destined to any one of the three countries must bring a bill of health issued by the sanitary authority of the port of departure, viséed by the consuls of the countries to which they are destined at the port of departure and at intermediate ports. Said bill of health shall be presented to the sanitary authorities of the ports

of the three states to be visèd, and shall be delivered to the sanitary authorities of the last port to which the vessel shall proceed.

1. The sanitary certificate heretofore issued by consuls shall hereafter be dispensed with, there being substituted therefor the visèing of the bill of health, for which service the consuls shall collect the proper fees.

2. The consular visé shall be written on the back of the bill and authenticated with the seal of the consulate.

3. When, in the light of the information obtained and of the accurate ascertainment of the facts, the consul shall have no comment to make upon the statements of the bill of health, the visé shall be a simple one; in other cases the consul himself shall note, in continuation of the visé, such statements as he may deem proper for the correction of the statements of the bill of health.

Bills of health which shall have been corrected on being visèed in the the first port of any of the three countries at which the vessel shall touch, shall be accompanied by a sanitary certificate ("billette sanitario") signed by the authorities of said port, and in which shall be set forth the treatment to which the vessel shall have been subjected. At the end of the visé shall be noted the issuing of the certificate.

4. The consuls in the ports of departure shall try to secure information in the local sanitary districts, or in the best manner open to them, of the sanitary condition of the said ports, and must immediately communicate, in case of a correction of a bill of health, with the sanitary authorities of their own countries, which will communicate to those of the other contracting states the reasons and occasion for the correction.

5. Vessels touching at ports of the three countries must take out in each of them a bill of health. These bills shall be delivered by the commander to the authorities of the last port into which the vessel shall go.

6. The high contracting parties recognize two kinds of bill of health—the clean and the unclean; a clean bill of health being one which records no case of exotic contagious disease in the port of departure or at intermediate ports, and an unclean bill being one which records an epidemic, or isolated cases of any of the diseases mentioned.

7. The ships of war of friendly nations shall receive bills of health gratuitously.

Article 7.

Each of the high contracting parties undertakes to establish in due constitutional form in its territory a corps of *sanitary inspectors of vessels*, composed of physicians specially charged with the supervision, on board, of the vessels on which they shall have embarked, the compliance with of the rules adopted for the promotion of the health of passengers and crew; to observe what occurs during the voyage and report the same to the sanitary authorities of the port of destination.

1. The sanitary inspectors of vessels shall be officials of the maritime sanitary districts of the countries to which they belong.

2. The sanitary inspectors of vessels shall be named by the Governments after competition, it being incumbent upon the chiefs of the corresponding sanitary service to designate the inspectors who are to embark.

3. The international sanitary ordinance shall formulate the program and objects of the competition, as also the duties and powers with which the sanitary inspectors of vessels are to be invested.

Article 8.

In the ports of each of the contracting states there shall be established two kinds of quarantine; the quarantine of observation and the strict quarantine.

1. The quarantine of observation shall consist of the detention of the vessel during the time necessary for the making of a searching sanitary visit thereto.

2. The strict quarantine shall have two objects: 1, to ascertain whether, among the passengers coming from any infected or suspected port, there is any one suffering from a contagious disease in process of maturation; 2, to subject to disinfection articles supposed to retain or transmit contagion.

3. The strict quarantine shall be applied: 1, to infected vessels; 2, to vessels on board of which there shall have occurred cases of a disease not identified, or which could not be properly investigated by a sanitary visit.

4. The duration of the strict quarantine shall be determined by the maximum period of incubation of the contagious disease which is sought to prevent, that is, ten days for the yellow fever, eight for the cholera, and twenty for the oriental plague. This term may be computed in one of two ways: 1, counting from the date of the last case occurring during the voyage; and 2, counting from the date of the landing of the passengers at the quarantine station.

5. The strict quarantine shall begin with the date of the last case occurring during the voyage, when the following three conditions shall be presented: 1, that the vessel shall comply with the requirements of paragraphs 1, 2, and 3, of Article 5; 2, that

it shall have carried on board thereof a sanitary inspector of vessels who shall certify the exact date of the termination of the last case, the compliance with all the measures for disinfecting indicated in the instructions which such inspector shall have received from the chief of the sanitary service, in accordance with the international ordinance, and the perfect present condition of health on board; 3, that the local sanitary authorities confirm the correctness of the report made.

6. If, under the conditions specified in the foregoing paragraph, the time elapsed between the last case and the arrival of the vessel be equal to or greater than the maximum incubating period of the contagious disease, the passengers shall be admitted to free intercourse, as shall also the vessel, provided that the latter does not bring suspected articles.

If the vessel brings suspected articles that need disinfecting and which have not been disinfected, the admission of the vessel to free intercourse shall take place only after the disinfection of said articles shall have been completed.

In other cases, the vessel and passengers shall be subjected to a strict quarantine.

7. If the time elapsed since the last case of contagious disease should be less than the maximum period allowed for incubation, and if the vessel be in the case described in paragraph 5, the passengers shall be subjected to an additional quarantine for the number of days lacking to make up the said maximum period of incubation. Such additional quarantine shall be undergone at the quarantine station save when there shall not be at said station available room for the purpose, in which case the quarantine may be undergone on board.

8. If the vessel, at the time of its arrival, has on board persons suffering from contagious disease, these shall be lodged in the floating hospital, and the passengers subjected to quarantine in the floating station. The quarantine in such case shall be computed from the date of the transfer of the passengers to such station.

The vessel shall be dealt with as may have been provided for such emergencies by the international ordinance.

9. The provisions of the foregoing paragraph shall apply likewise to vessels in which there shall have occurred cases of contagious disease, though these no longer exist at the time of arrival, if such vessel, notwithstanding, shall not have satisfied the conditions set forth in paragraph 5 of this article.

10. Suspected vessels which shall have made the voyage from an infected or suspected port to the port of arrival in a period of time shorter than the maximum period of incubation of the contagious disease which it is sought to prevent, shall also be subjected to the additional quarantine according to the provisions of paragraph 7.

There shall be excepted from this quarantine any vessel of the 2d class which, proceeding from a port recognized as clean and with satisfactory sanitary conditions on board, certified to by the sanitary inspector of vessels, shall touch at Montevideo, Rio de Janeiro, or Buenos Ayres during the prevalence of an epidemic, but shall restrict itself to discharging her merchandise, landing passengers, and leaving and taking up the mails; provided that these operations shall be performed by means of a ponton designated for the purpose by the sanitary authorities, conveniently situated, free from all infection, and under satisfactory conditions as to isolation, so that it shall not receive on board, nor undergo contact with, any person or article from said ports. These facts shall be certified to by a document duly authenticated, signed by the sanitary authorities of the port at which the vessel shall touch, visèed by the consul of the country of destination, and attested by a sanitary inspector of such country of destination.

11. A suspected vessel which shall have made the voyage in a period longer than the aforesaid maximum period of incubation, shall undergo the quarantine of observation, in the course of which there shall be made the investigations prescribed in the international ordinance; and only after it shall have been ascertained that no case of contagious disease has occurred on board shall such vessel be admitted to free intercourse.

It is understood that, if such vessel brings suspected articles which have not been disinfected, but which can not have infected the passengers or crew, such vessel shall undergo a strict quarantine for the purpose of disinfecting the said articles, such disinfection to be made after the landing of the passengers brought, who must be admitted to free intercourse.

In case infection may have occurred, the case shall be governed by the provisions of the last part of paragraph 6 of this present article.

12. The foregoing provisions concerning vessels of the 1st class described in Article 5 shall hold good even though there be on board no sanitary inspector of vessels, provided there shall have been strict compliance with the requirements of the international ordinance as to the responsibility assumed by the ship's physician to the sanitary authorities of the port of arrival in respect of the certificates which he is to give under his professional oath, and provided that there shall have been exact compliance, during the voyage, with the provisions contained in the instructions as to the duties of the sanitary inspector of vessels.

13. The provisions of the foregoing paragraphs, in so far as they allow some modification of the strict quarantine, shall apply to such vessels of the 2d class as, 1, shall receive on board and give a first-class passage going and coming to the sanitary inspector of vessels; 2, shall act upon the recommendations of the sanitary inspector looking to sanitary conditions on board ship, both at the time of departure and during the voyage.

In other cases the period of strict quarantine shall not be computable as provided in alternative No. 1 of paragraph 4, in respect of either the passengers or the vessel itself.

ARTICLE 9.

The requirements of paragraph 1 of Article 5 are binding upon all such vessels as, in any of the three countries, enjoy the privileges of a mail-transport, and to this end the contracting Governments undertake to withdraw such privileges from all vessels which, four months from the date at which this convention shall have gone into effect, shall not have strictly complied with the said requirements.

ARTICLE 10.

The high contracting parties agree that they will grant the privileges of a mail-transport only to such vessels as shall conform to this convention and shall furthermore prove to the proper sanitary authorities that they have complied with the requirements of paragraph 1 of Article 5, and declared their acceptance of conditions 1 and 2 of paragraph 13 of Article 8.

ARTICLE 11.

The sanitary precautions which the high contracting parties may have to take on land and within their own territories form no part of the subject-matter of this convention; but it is understood that such precautions are never to amount to an absolute suspension of intercommunication by land. The Governments concerned will, upon occasion, agree with one another upon the places through which communication is to be allowed, and upon the most efficacious means to prevent all danger of the introduction of epidemics.

ARTICLE 12.

The present convention shall last four years, dated from the day on which ratifications shall be exchanged, and shall continue in force until one of the high contracting parties shall notify the others of its intention to terminate it, its operation ceasing twelve months after the date of such notification. Such ratifications shall be exchanged at the city of Montevideo at as early a date as possible.

In testimony whereof the said plenipotentiaries respectively sign and seal these presents. Done at the city of Rio de Janeiro, on the 25th day of the month of November, in the year of the nativity of our Lord Jesus Christ one thousand eight hundred and eighty-seven.

[L. S.] CARLOS MARIA RAMIREZ.
[L. S.] BARON DE COTEGIPE.
[L. S.] ENRIQUE B. MORENO.

CONVENTION OF LIMA.

PLAN OF AN INTERNATIONAL SANITARY CONVENTION FORMULATED BY THE AMERICAN SANITARY CONGRESS OF LIMA OF 1888.

ARTICLE 1.

The contracting countries agree to adopt the following definitions:

(*a*) *Pestilent exotic diseases.*—The yellow fever, the Asiatic cholera, and the eastern plague.

(*b*) *Infected port.*—That in which any of the above diseases may exist in an epidemic form.

(*c*) *Suspected port:*

1. That in which an isolated case of the three pestilential diseases may appear occasionally;

2. That which has easy and frequent intercourse with infected localities; and

3. That which is not sufficiently protected against infected ports.

The declaration of infected or suspected, as applied to a port, shall be made by the Government of the country to which that port belongs, upon the recommendation of the chief of the maritime sanitary service, and shall be published officially.

(*d*) *Infected vessel.*—That in which some case of pestilential disease may have occurred.

(*e*) *Suspected vessel:*

1. That which, coming from an infected or a suspected port, may not have had during the voyage any case of pestilential disease;

2. That which, though proceeding from a healthy port, may have touched at an infected or suspected port.

3. That which during the voyage or on arrival should communicate with another vessel coming from an unknown infected or suspected port.

4. That in which deaths may have occurred from causes not specified or from repeated cases of any disease.

5. That which does not bring a clean bill of health from the port of departure or from those at which it may have touched, duly certified by the consuls of the country it is bound for; and

6. That which, although having been quarantined or been subjected to special sanitary treatment in any of the contracting countries, comes unprovided with the international permit for free intercourse.

Article 2.

The contracting countries shall establish the sanitary services so that they may carry out and cause to be carried out the provisions of this convention.

The chiefs of the aforementioned sanitary services shall communicate with each other whenever necessary, and each of them may make to the others such suggestions as they may think proper in the exercise of their duties. International regulations shall be issued for the performance of sanitary service, giving uniformity to the general and special measures applicable in other countries.

Article 3.

The contracting countries shall bind themselves—

1. To establish the quarantine hospitals which may be necessary, and those of a permanent character shall be located on islands;

2. To establish floating hospitals, annexed to the permanent quarantine hospitals, for the treatment of persons attacked by exotic pestilential diseases on the vessels which may arrive or be already at anchor;

3. To consider valid at any of the ports, for the effect of this convention, the quarantine and sanitary measures resorted to in any of the quarantine hospitals of the contracting countries, provided that they shall be officially authorized in an authentic manner; and

4. Not to resort to the closing of ports.

Article 4.

The consul of the country for which the vessel is bound shall have the right to attend the sanitary inspections which the agents of the territorial authorities may make of the vessels.

Article 5.

At the port of departure the vessels shall take the following prophylactic measures:

1. The storage of the cargo shall not commence until the cleansing of the vessel shall have been performed either by ordinary methods or by a special process of disinfection, in case the latter shall be deemed necessary. For this purpose the vessel shall be visited by the captain and the ship-surgeon, and the result of the visit shall be recorded on the ship's register.

2. The surgeon shall examine the passengers which may come on board, and who hail from a port where any of the exotic pestilential mala dies exist, and shall reject such as he may suspect of having contracted any of them.

3. In regard to those who may appear to him as being under good conditions, he will vigilantly prevent their taking on board white linen clothes, or bedding, stained or suspicious.

4. The wearing apparel and bedding used by such as may have died of exotic pestilential diseases shall never be received.

5. Whenever any of the exotic pestilent ial diseases shall show itself on a vessel

while lying in an infected port, the patients in whom the first symptoms of these affections may be noticed shall be put ashore immediately, and all their effects, as well the bedding they may have used, shall be destroyed or disinfected.

Article 6.

During the voyage vessels will observe the following prophylactic measures:

1. The soiled underwear of the passengers and crew shall be washed on the same day, after being immersed in boiling water or a disinfectant solution.
2. The water-closets shall be scoured and disinfected at least twice a day.
3. During the voyage the most rigorous cleanliness and a thorough ventilation shall be observed on board of suspected vessels.
4. As soon as the first symptoms of an exotic pestilential disease are confirmed, the necessary steps shall be taken to isolate the patient.
5. The localities occupied by such patients shall be immediately disinfected.
6. So far as possible the localities so infected shall remain wide open and isolated, and shall not be occupied by any other passenger during the voyage.

Article 7.

No vessel proceeding from foreign ports shall be admitted to free intercourse at the ports of the contracting countries, without the previous sanitary visit made by the proper authorities. During this visit, the official shall proceed to make all the inquiries necessary to ascertain thoroughly the sanitary condition on board; in times of epidemic, they will satisfy themselves that all measures of sanitation and disinfection have been rigorously complied with, as well at the point of departure as during the course of the voyage, and shall determine the treatment to which the vessel must be subjected, and will notify in writing the captain thereof.

Article 8.

For the proper enforcement of the provisions of the preceding article the contracting countries agree to recognize two classes of vessels; a first and second class.

1. Vessels of the first class are those which have a surgeon on board and are provided with:

(*a*) A disinfecting stove worked by steam under pressure;
(*b*) A supply of disinfectants and appliances for disinfection in compliance with the suggestions of the international sanitary regulations;
(*c*) A book showing the stock of drugs, wherein shall be inscribed the quantity and kind of the drugs or medicines on board at the moment of sailing from the port of departure, as well as the supplementary acquisitions received at the port of relay;
(*d*) A record book of medical prescriptions;
(*e*) A clinic book in which shall be most minutely described all the cases of disease occurring on board and their respective treatment;
(*f*) A list of passengers giving their name, age, sex, nationality, profession, and place of residence;
(*g*) A list of the crew; and
(*h*) A manifest of the cargo.

2. The books referred to in the preceding paragraph shall be opened and signed by the consul of some one of the contracting countries at the port of sailing; and the leaves having reference to each voyage shall be closed by the sanitary authority at the port of destination.

Commanders of vessels will pay no fee whatever for the supply of these books.

3. All the papers on board shall be submitted for inspection to the sanitary authority at the port of destination and to the consular authority at the port of departure, it being the duty of the latter to indicate on the bills of health, when visèd or certified to, the existence or total or partial absence of the books, and the list and roll alluded to in the first paragraph of this article.

4. Vessels of the second class are those which do not possess the requirements stated in the first paragraph of this article.

Article 9.

The vessels engaged in the transportation of passengers, belonging to any of the contracting countries, are obliged to comply with the conditions of vessels of the first class, and likewise such foreign vessels as may be engaged in the same traffic upon the coasts of the contracting countries.

ARTICLE 10.

All vessels bound to any of the ports of the contracting countries must be provided with a clean bill of health from the port of sailing, certified to by the consuls of the countries to which they are bound and of those at which they may touch. When the vessels sail from ports belonging to any of the contracting countries, the bill of health shall be granted by the sanitary authority of the port of departure and must always be certified to as above specified.

This bill of health shall be presented to the sanitary authority of the ports of the contracting countries at which the vessel may touch, for his certification, and shall be delivered to that of the last port of destination.

1. Consuls shall charge the proper fees for the certification of bills of health.

2. The consular visé or certification shall be entered on the back of the bill of health and authenticated with the seal of the consulate.

§ 3 When, by reason of acquired information and a thorough knowledge of the facts, the consul shall have no remarks to make as to the asseverations of the bill of health, its certification will be simple; when otherwise, the consul himself shall write down after the visé what he may deem proper to rectify the asseverations of the bill of health.

The bills of health which may be rectified, after being certified to at the first port of any of the contracting countries at which the vessel may touch, shall be accompanied by a sanitary bill, signed by the authority of the same port, in which shall be stated the treatment to which the vessel may have been subjected. The remittance of the bill shall be stated after the visé.

4. The consuls of the contracting countries at the ports of departure shall endeavor to ascertain through the local sanitary authorities, or as best they may, the sanitary condition of those ports, and in case of rectifying a bill of health, shall inform at once the sanitary authority of their country, who will forward to that of the other contracting countries the reason for the rectification.

5. If the rectifications mentioned in paragraph 3 should be made by the consuls of more than one of the contracting parties, the bill of health shall be forwarded by the sanitary authority of the first port reached by the vessel to that of the first port of the next nation, and by the corresponding authority of the latter to that of the following ports, always accompanied by the sanitary bill.

6. Vessels bound to ports of more than one of the contracting countries shall successively, at each of these, provide themselves with bills of health, and the captain must deliver all these bills to the authority of the last port of arrival.

7. The contracting countries recognize two kinds of bills of health, clean and unclean; that being clean which does not state any case of exotic pestilential disease at the port of departure or at those of relay, and unclean, that which should mention epidemics or isolated cases of the diseases referred to.

8. Men of war of friendly nations shall be granted bills of health without paying fees.

ARTICLE 11.

The contracting countries agree to appoint a corps of vessel inspectors composed of physicians paid by the respective Governments. It will be their special mission on board the vessels assigned to them to see to the compliance with the measures prescribed in behalf of the health of passengers and crews; they will also notice what may occur during the voyage and report thereon to the sanitary authority at the port of destination.

1. Vessel inspectors shall be officials of the sections of marine sanitary of their respective countries and be subordinate to their respective chiefs, whose orders and instructions they shall obey implicitly.

2. Vessel inspectors shall compete for their appointment by the Government, and it shall be the duty of the chiefs of the respective sanitary services to designate the inspectors to be placed on board.

3. The programme and purpose of the competition shall be determined by the international sanitary regulations as well as the duties and powers assigned to vessel inspectors.

ARTICLE 12.

It is agreed by the contracting countries that two kinds of quarantine shall be established at their respective ports:

(*a*) A strict quarantine; and

(*b*) A quarantine of observation.

1. The strict quarantine shall consist of the absolute isolation of the vessel during the time required for the sanity and disinfection of the articles infested with cholera,

yellow fever, or Eastern plague, and for the lapse of the maximum period of incubation of the pestilential disease.

2. The quarantine of observation shall consist of the absolute isolation of the vessel during the time required to make on board a visit of sanitary inspection, and for the lapse of the maximum period of incubation of the pestilential exotic disease, in case that the vessel has been at sea less than eight days for cholera, less than ten for yellow fever, and less than twenty for the Eastern plague.

3. The strict quarantine shall be applied—

1. To infected vessels;
2. To vessels on board of which cases of diseases not specified may have occurred which the sanitary visit has not made known; and
3. To vessels hailing from ports where one of the pestilential diseases exists, if they have not complied with the sanitary regulations required at the port of departure, and during the voyage, even should they not have had on board a case of pestilential disease, either real or suspicious.

4. The duration of the strict quarantine shall be determined by the maximum incubation of the pestilential disease guarded against, eight days being assigned for Asiatic cholera, ten days for yellow fever, and twenty days for the Eastern plague.

This duration may be computed in two ways:

1. Counting from the date of the termination by death or cure of the last case which has occurred on board during the voyage; and
2. Counting from the date of the landing of the passengers at the quarantine hospital.

5. The strict quarantine shall begin from the date by death or cure of the last case occurring on board during the voyage, when:

(*a*) The vessel belongs to the first class.

(*b*) A vessel sanitary inspector coming on board should certify to the precise date of the last case, to the compliance with all the measures for disinfection prescribed in the instructions which the same inspector may have received from the chief of the sanitary service, and to the present perfect state of health on board.

In either case that which is prescribed in this paragraph can not take place unless the sanitary authority shall verify the correctness of the information furnished.

6. If, after the termination of the last case occurring on board, the duration of the voyage should be equal to or greater than the maximum incubation of the pestilential disease, the vessel shall be subjected to a quarantine of observation of 48 hours.

7. If the time elapsed since the last case of pestilential disease should be less than that assigned to the maximum incubation and the vessel should belong to the first class the latter shall not be admitted to free intercourse until after a quarantine of observation, which shall last as many days as may be required to complete the aforesaid term of maximum incubation. If the voyage, after the termination of the last case, should have lasted until the day before the last of the maximum incubation of the pestilential disease which it is desired to guard against, the vessel shall not be allowed free intercourse until 48 hours shall have elapsed after the expiration of the said maximum incubation. This quarantine shall be kept by the passengers at the quarantine hospital, unless there should be no accommodation in the latter, in which case it may be allowed on board.

8. If, at the time of its arrival, there should be in the vessel cases of pestilential disease they shall be transferred to the floating hospital and the passengers subjected to a quarantine at the quarantine hospital. In this case the quarantine will commence the day of the admission of the passengers to the quarantine hospital.

The vessel and the cargo shall be ventilated and disinfected in conformity with the rules to be prescribed by the international sanitary regulations.

9. Vessels of the second class shall be subjected to the requirements of the preceding paragraph when they shall have had cases of pestilential diseases, even when they do not exist at the time of their arrival.

10. Suspicious vessels, the voyage of which may have lasted a period of time shorter than that of the maximum incubation of the pestilential disease to be guarded against, shall not be admitted to free intercourse until they shall have passed a quarantine of observation, which must last as many days as may be required to complete the term of maximum incubation. If the voyage should have lasted until the day before the last of the maximum incubation of the pestilential disease, they shall not be admitted to free intercourse until after 48 hours after having completed the aforesaid term in case they should hail from an infected port, and after 24 hours in other cases.

11. Suspicious vessels which may perform their voyage in a period of time longer than the maximum incubation of the pestilential disease to be guarded against shall be admitted to free intercourse after a quarantine of observation of 48 hours, if they proceed from infected ports, and of 24 hours in other cases.

During this quarantine the investigations prescribed by the international sanitary regulations shall be carried out.

ARTICLE 13.

The declaration of infected, as applied to a port, shall cause the sanitary interdiction of vessels hailing therefrom which may have sailed during the period immediately preceding the date of said declaration, being twenty days for the Eastern plague, ten or the yellow fever, and eight for the Asiatic cholera.

ARTICLE 14.

The declaration of the termination of the epidemic at a port shall not cause the sanitary interdiction of the vessels hailing from it to be dispensed with until twenty days shall have elapsed for the eastern plague, ten for the yellow fever, and eight for Asiatic cholera.

ARTICLE 15.

The rules prescribed for maritime ports shall apply to river ports harboring seagoing vessels.

ARTICLE 16.

The sanitary measures which the contracting countries may adopt within their own territory do not come within the scope of the present convention.

ARTICLE 17.

Should the contracting countries decide to establish international sanitary cordons, they bind themselves not to detain passengers for any longer period than that of the maximum incubation of the pestilential disease to be guarded against, and to establish the quarantine hospitals which may be required in order that the quarantines may be kept therein, the latter being governed by the same regulations prescribed for maritime quarantines so far as they may be applicable thereto.

JULIO RODRIGUEZ, *Delegate from Bolivia.*
ANDRÉS S. MUÑOZ, *Delegate from Bolivia.*
FREDERICO PUGA BORNE, *Delegate from Chile.*
CELSO BAMBARÉN, *Delegate from Ecuador.*
FRANCISCO ROSAS, *Delegate from Peru.*
J. LINO ALARCO, *Delegate from Peru.*
JOSÉ MARIANO MACEDO, *Delegate from Peru.*

LIMA, *March* 12, 1888.

Correct:

ANDRÉS S. MUÑOZ,
Secretary to the Congress

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 177.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Report of the International American Conference concerning patents, trade-marks, and copyrights.

JULY 11, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

INTERNATIONAL PATENTS AND TRADE-MARKS.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, inclosing a report of the action of the International American Conference, lately in session in this city, concerning the protection of patents, trade-marks, and copyrights in commerce between the American Republics, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 11, 1890.

DEPARTMENT OF STATE,
Washington, July 11, 1890.

THE PRESIDENT:

The International American Conference, recently in session at this capital, was invited to consider, among other subjects, the best method of protecting the patents and trade-marks of American manufacturers against infringement and forgery; and I have the honor to submit their conclusions for your consideration and the information of Congress.

The South American Congress which met at Montevideo in August, 1888, adopted three treaties for the protection of patents, trade-marks, and copyrights, which have already been ratified by the Argentine Republic, Bolivia, Brazil, Chili, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela—all the nations of the Southern Continent—and the recent conference recommends their ratification by the several governments of Central and North America.

Respectfully submitted.

JAMES G. BLAINE.

INTERNATIONAL AMERICAN CONFERENCE.

REPORT ON PATENTS AND TRADE-MARKS.

To the honorable the International American Conference:

According to the invitation of the United States Government to the other governments of America, and according to the act of Congress in virtue of which that invitation was extended, one of the objects for which this conference has been called together is to concert measures for the protection of literary and artistic property, patents on inventions, and trade-marks belonging to citizens of any one of the countries represented in this Conference within the territory of each of the others of said countries.

The property of man in the fruits of his intellect, whether they consist of literary or scientific works or of works of art, is recognized by all civilized nations, receives in all the protection of the law, and in some is the object of special attention in the constitutions or fundamental laws. All the nations of America protect literary and artistic property. All have placed in their codes legal provisions, by virtue of which the author's or artist's property in his works is acknowledged and assured to the citizens of each of them and to foreigners who live under the protection of their laws; and the violation of these rights incurs the penalty of the law, and is punished in such manner as the legislation of each State determines.

The right of property in industrial products receives the same protection and the same guaranties. The person who discovers new industrial products, or invents new processes for their preparation or manufacture, or improves upon the processes already known, contributes by his discovery or invention to the development of industry and to the increase of public wealth, and has a right thereto as clear and incontrovertible under the laws of all civilized nations as that which the manufacturer has to the products of his factory or the laborer to his daily wages.

In consequence of the industrial development of the present age and the daily increase of international commercial relations very great importance has lately attached to the signs and marks employed by manufacturers to distinguish the products of their factories, and by traders to distinguish the wares which they select and place upon the market, which marks and signs are commonly called manufacturers' or dealers' trade-marks. The tradesman or merchant who wins reputation for a trade-mark by the superiority of the articles to which he attaches it acquires a right to that mark which the law should foster and protect, and it should punish those who violate this right, either by making unlawful use of or by counterfeiting or forging a mark belonging to another.

This will protect not only the maker or seller, but also the buyer, who must generally rely in selecting an article upon the trade-mark which has made it known in the market. When an accredited trade-mark is unlawfully used or forged, with the intent of giving to the market and the consumer an adulterated article of food, the deception generally assumes increased gravity; for, at the same time that the proprietor's right of ownership of the unlawfully appropriated or counterfeited mark is violated, and that the buyer, who is a victim of the

imposition, is defrauded, the health of the consumer is frequently injured and at times his death occasioned.

As a general rule, the laws relating to literary, artistic, and industrial property protect in each country. only the proprietor who is a citizen or resident of the country itself, and tacitly permit the violation of similar rights of property guarantied by the laws of other nations within their own territories. Even in countries where the movable property of a foreigner is protected from the moment he enters the national territory, and where the property of an absent foreigner is respected like that of a citizen or subject, no protection whatever is granted to the author, inventor, or artist for the rights which belong to him, and which, on account of their immaterial and intangible character, can be more easily violated. Henry Clay, speaking in the United States Senate in 1837 of literary property, said:

> A British merchant brings or transmits to the United States a bale of merchandise, and the moment it comes within the jurisdiction of our laws they throw around it effectual security. But if the work of a British author is brought to the United States, it may be appropriated by any resident here and republished without any compensation whatever being made to the author. We should all be shocked if the law tolerated the least invasion of the rights of property in the case of the merchandise, while those which justly belong to the works of authors are exposed to daily violation without the possibility of their invoking the aid of the laws.

This protection—which may be termed international—of literary and artistic copyright outside of the country of its origin has been accorded by the nations of Europe and America only in reciprocity for equal protection given to their citizens or subjects simply as an act of international comity, or by virtue of compacts and conventions, but it has never been demanded as an invested right.

It was not until 1815, in the Congress of Vienna—and then only in a limited degree—that the principle of international protection of literary and artistic property was first recognized in Europe by the provision, which was there adopted, that the authors and artists of every State included in the Germanic Confederation should enjoy throughout said Confederation the same protection granted by law to authors and artists who were citizens. Afterwards Denmark, Great Britain, Switzerland, and Austria, each separately, agreed to recognize the intellectual property of those nations which should grant them reciprocal rights. To France belongs the honor of being the first to solemnly proclaim, as it did in 1852, the principle of unlimited and absolute international protection of intellectual property and of making the unauthorized reproduction of works published in foreign countries a punishable offense. This liberal principle was also adopted unanimously in 1858 by the Literary Congress of Brussels, which, with the object of generalizing it, made some very important declarations, which were adopted (although without immediate practical results) by the Literary Congress of Antwerp in 1861, of Vienna in 1873, of the Hague in 1875, and of Bremen in 1876. It was not, however, until 1886, in the Literary and Artistic Conference of Berne, in which Germany, Belgium, France, Spain, Great Britain, Hayti, Italy, Liberia, and the Regency of Tunis took part, that a positive and official result could be reached. In fact, the nations represented constituted themselves an *International Union for the Protection of Literary and Artistic Works.* They signed a convention, in which "literary and artistic works" were defined and enumerated, the rights of authors clearly specified, and means adopted for rendering them effective; and the *Union* established an international office, under the supervision and supreme authority of the Swiss Con-

ederation, the functions of which were fixed with the common consent of the contracting parties.

As a general rule, the nations of Europe have not granted the protection of their laws to the industrial property of foreigners, except as acts of reciprocal courtesy or in virtue of express stipulations contained in international compacts. Just as in the case of literary and artistic copyright, to France belongs the honor of first proclaiming the ample and absolute principle of international protection to industrial property. The "International Congress of Industrial Property," held in Paris in 1878 under the auspices of the French Government, included in its labors every subject relative to "industrial property;" but, confining itself within the limits of its mission, it merely recommended the Governments to open negotiations with a view to equalizing the legislation of the several nations on so important a subject. The Conference of 1880, which also assembled in Paris, endeavored to give a practical and definite form to the declarations made in 1878; and, with this intent, prepared a draught of an international convention, in which it was provided that all the nations adopting it should constitute a union, within which industrial property should enjoy uniform protection before all the courts of justice.

Nevertheless, this convention did not obtain the ratification of the Governments, and it was not until 1883 that the establishment of a Union for the International Protection of Industrial Property was definitely realized. According to the terms of the convention, signed in Paris on the 20th of March of that year by the representatives of France, Belgium, Brazil, Spain, Guatemala, Italy, Holland, Portugal, Salvador, Servia, and Switzerland, these nations constituted themselves a Union for the Protection of Industrial Property. It was, moreover, provided that this property, in the broadest acceptation of the term, should enjoy in each of the countries composing the Union all the advantages granted by their respective laws to citizens or subjects. Special provisions were formulated with the object of protecting the names of business firms and facilitating the punishment of counterfeiters of trade-marks. And, finally, it was agreed to organize an "International Office of Industrial Property," to be maintained by funds appropriated by the contracting States, and placed under the high authority and supervision of the superior administration of the Swiss Confederation. The ratifications of the Governments were quickly exchanged, and, in conformity with the provision, the International Office was organized in Berne under the authority of the Swiss Government.

To the recent Congress of Private International Law, of Montevideo, assembled in response to an invitation issued by the Governments of the Argentine Republic and the Republic of Uruguay to the other nations of South America, is due the high honor of having been the first to acknowledge on this continent and solemnly establish the most wholesome principles of law for the solution of disputes arising from the differences of the legislation of one country from that of another, and of establishing among these principles that of international protection of literary, artistic, and industrial property. In the three treaties on literary and artistic copyright, on trade-marks, and on patents, subscribed to by the representatives of the Argentine Republic, Bolivia, Brazil, Chili, Paraguay, Peru, and the Republic of Uruguay, who attended said Congress, your Committee on Patents and Trade-marks finds the principles set forth which, in its opinion, should be adopted throughout this continent, in order to assure and give effective

protection to the rights of literary, artistic, and industrial property acquired in any of the nations represented in this Conference.

In the treaties referred to literary and artistic works, trade-marks, and patents of invention are clearly and precisely defined; in the same manner are prescribed the rights of authors and artists, proprietors of trade-marks, and inventors, which the contracting powers guaranty and protect; the formalities to be observed in obtaining this protection and guaranty; the limits of said rights, and the manner in which they may be exercised. All the conflicts on those subjects which may arise from diversity of legislation between the contracting States are settled by clear and precise provisions, which are formulated with all due respect to the sovereignty and laws of each State. Thus, for instance, in respect to literary and artistic copyrights it is provided that authors and artists shall enjoy the rights accorded them by the laws of the State in which the original publication or production of their works took place, but that no State is obliged to recognize such rights for a longer time than that allowed to authors who obtain the same right in that State.

Rights to trade-marks granted in one country are recognized in the others, but with due regard to the laws of the latter; and to enjoy the right to an invention for which a patent has been obtained in any one of them it is necessary to have the patent registered in any other in which its recognition is asked for in the form prescribed by its laws. With regard to the duration of patents, the same principle is established which was previously mentioned in relation to literary and artistic copyrights, and it is moreover provided that the duration of the patent may be limited in each State to the period prescribed by the laws of the State in which the patent was first granted, if such period be the shorter. It is also provided that questions arising on the priority of invention shall be settled according to the date of the application for the respective patents in the countries where they were granted. Finally, in all these treaties the principle is established that those who violate the rights of property therein recognized and guarantied can be legally arraigned only before the courts of the country in which the offense may have been committed.

The Committee on Patents and Trade-marks begs leave to append to this report copies of the treaties of the Congress of Montevideo, above referred to. Being persuaded that by the formal adoption on the part of the nations here represented of the just principles embodied in those treaties, and by their enactment into positive law, the necessary protection of the rights of literary, artistic, and industrial property will be secured, your committee respectfully submits the appended resolution to the consideration of the Conference. If the above-mentioned treaties are ratified by the subscribing nations, and are furthermore adopted by the Republics of Colombia, Ecuador, and Venezuela, which, although they approved the proposition to assemble said Congress, could not take part therein owing to the pressure of time, then those principles shall be the law in force on the subject in the whole of South America. In Central and North America they may likewise have equal authority if, in accordance with the stipulations of Article 6 of the additional protocol of the South American Congress, the subscribing nations consent, as is to be expected, to the adoption of the treaties by those nations who were not invited to it, in the same form as those which, while approving the proposal that it should assemble, took no part in its deliberations.

RECOMMENDATIONS AS ADOPTED BY THE CONFERENCE.

Whereas the International American Conference is of the opinion that the treaties on literary and artistic property, on patents, and on trade-marks, celebrated by the South American Congress of Montevideo, fully guaranty and protect the rights of property which are the subject of the provisions therein contained;

Resolved, That the Conference recommend, both to those Governments of America which accepted the proposition of holding the Congress, but could not participate in its deliberations, and to those not invited thereto, but who are represented in this Conference, that they adopt the said treaties.

APPENDIX.

TREATY ON LITERARY AND ARTISTIC COPYRIGHT.

His Excellency, the President of the Republic of ——, etc., etc., having agreed to enter into a treaty on literary and artistic copyright through their plenipotentiaries in congress assembled, in the city of Montevideo, by invitation of the Governments of the Argentine Republic and of the Eastern Republic of Uruguay;

His Excellency, the President of the Republic of ——, being represented by Mr. ——, etc.;

Who, after exhibiting their full powers, which were found in due form, and after the conferences and discussions necessary to the case, have agreed upon the following stipulations:

ARTICLE I.

The contracting States promise to recognize and protect the rights of literary and artistic property, according to the provisions of the present treaty.

ARTICLE II.

The author of any literary or artistic work, and his successors, shall enjoy in the contracting States the rights accorded him by the law of the State in which its original publication or production took place.

ARTICLE III.

The author's right of ownership in a literary or artistic work shall comprise the right to dispose of it, to publish it, to convey it to another, to translate it, or to authorize its translation, and to reproduce it in any form whatsoever.

ARTICLE IV.

No State shall be obliged to recognize the right to literary or artistic property for a longer period than that allowed to authors who obtain the same right in that State. This period may be limited to that prescribed in the country where it originates, if such period be the shorter.

ARTICLE V.

By the expression literary or artistic works is understood all books, pamphlets, or other writings, dramatical or dramatico-musical works, chorographies, musical compositions with or without words, drawings, paintings, sculptures, engravings, photographs, lithographs, geographical maps, plans, sketches, and plastic works relating to geography, topography, architecture, or to sciences in general; and finally every production the field of literature or art which may be published in any way by printing or reproduction.

ARTICLE VI.

The translators of works of which a copyright either does not exist or has expired shall enjoy with respect to their translations the rights declared in Article III, but they shall not prevent the publication of other translations of the same work.

ARTICLE VII.

Newspaper articles may be reproduced upon quoting the publication from which they are taken. From this provision articles relating to sciences or arts, and the reproduction of which shall have been prohibited by the authors, are excepted.

ARTICLE VIII.

Speeches pronounced or read in deliberative assemblies, before tribunals of justice, or in public meetings, may be published in the public press without any authorization whatsoever.

ARTICLE IX.

Under the head of illicit reproductions shall be classed all indirect, unauthorized appropriations of a literary or artistic work, which may be designated by different names as adaptations, arrangements, etc., etc., and which are no more than a reproduction without presenting the character of an original work.

ARTICLE X.

The rights of authorship shall be allowed, in the absence of proof to the contrary, in favor of the person whose names or pseudonyms shall be borne upon the literary or artistic works in question.

If the authors wish to withhold their names, they should inform the editors that the rights of authorship belong to them.

ARTICLE XI.

Those who usurp the right of literary or artistic property shall be brought before the courts and tried according to the laws of the country in which the fraud may have been committed.

ARTICLE XII.

The recognition of the right of ownership of literary and artistic works shall not prevent the contracting States from preventing by suitable legislation the reproduction, publication, circulation, representation, or exhibition of all works which may be considered contrary to good morals.

ARTICLE XIII.

The simultaneous ratification of all the contracting nations shall not be necessary to the effectiveness of this treaty. Those who adopt it will communicate the fact to the Governments of the Argentine Republic and the Eastern Republic of Uruguay, who will inform the other contracting nations. This formality will take the place of an exchange.

ARTICLE XIV.

The exchange having been made in the manner prescribed in the foregoing article, this treaty shall remain in force for an indefinite period after that act.

ARTICLE XV.

If any of the contracting nations should deem it advisable to be released from this treaty, or to introduce modifications in it, said nation shall so inform the rest; but it shall not be released until two years after the date of notification, during which time measures will be taken to effect a new arrangement.

ARTICLE XVI.

The provisions of Article XIII are extended to all nations who, although not represented in this Congress, may desire to adopt the present treaty.

Wherefore, the plenipotentiaries of the nations enumerated sign and affix their seals to the foregoing, to the number of ——— exemplars, in the city of Montevideo, on the ——— day of the month of January, in the year 1889.

[L. S.] (Signatures.)

TREATY ON TRADE-MARKS.

His Excellency, the President of the Republic of ——, etc., etc., having agreed to enter into a treaty on trade-marks, through their plenipotentiaries in congress assembled in the city of Montevideo, by invitation of the Governments of the Argentine Republic and of the Eastern Republic of Uruguay;

His excellency, the President of the Republic of ——, being represented by Mr. ——, etc.;

Who, after exhibiting their full powers, which were found in due form, and after the conferences and discussions necessary to the case, have agreed upon the following stipulations:

ARTICLE I.

Any person to whom shall be granted in one of the contracting States the exclusive right to a trade-mark shall enjoy the same privilege in the other States, but with due respect to the formalities and conditions established by their laws.

ARTICLE II.

The ownership of a trade-mark shall include the right to use or to sell or otherwise convey it.

ARTICLE III.

By trade-mark shall be understood the sign, emblem, or exterior motto which the merchant or manufacturer adopts and applies to his wares and products in order to distinguish them from those of other dealers or manufacturers trading in articles of the same character.

To this class of marks shall belong those called trade devises, or designs, which by means of weaving or stamping are affixed to the product exposed for sale.

ARTICLE IV.

Counterfeits or alterations of trade-marks shall be prosecuted before the courts, according to the laws of the State in whose territory the fraud was committed.

ARTICLE V.

The simultaneous ratification of all the contracting nations shall not be necessary to the effectiveness of this treaty. Those who adopt it will communicate the fact to the Governments of the Argentine Republic and the Eastern Republic of Uruguay, who will inform the other contracting nations. This formality will take the place of an exchange.

ARTICLE VI.

The exchange having been made in the manner prescribed in the foregoing article, this treaty shall remain in force for an indefinite period after that act.

ARTICLE VII.

If any of the contracting nations should deem it advisable to be released from this treaty, or to introduce modifications into it, said nation shall inform the rest; but it shall not be released until two years after the date of notification, during which time measures will be taken to effect a new arrangement.

ARTICLE VIII.

The provisions of Article V are extended to all the nations who, although not represented in this Congress, may desire to adopt the present treaty.

Wherefore the Plenipotentiaries of the nations enumerated sign and affix their seals to the foregoing to the number of —— exemplars, in the city of Montevideo, on the —— day of the month of January, in the year 1889.

[L. S.] (Signatures.)

TREATY ON PATENTS OF INVENTION.

His Excellency, the President of the Republic of ——, etc., etc., having agreed to enter into a treaty on patents of invention through their plenipotentiaries in congress assembled, in the city of Montevideo, by invitation of the Governments of the Argentine Republic and of the Eastern Republic of Uruguay;

His Excellency, the President of the Republic of ——, being represented by Mr. ——, etc.;

Who, after exhibiting their full powers, which were found in due form, and after the conferences and discussions necessary to the case, have agreed upon the following stipulations:

ARTICLE I.

Any person who shall obtain a patent or privilege of invention in any of the contracting States shall enjoy in all the others the rights of inventor, if within a year at the utmost he shall cause his patent to be registered in the form prescribed by the laws of the country in which he shall ask for its recognition.

ARTICLE II.

The duration of the privilege shall be that fixed by the laws of the country in which it is to take effect. This period may be limited to that prescribed by the laws of the State in which the patent was first granted, if such period be the shorter.

ARTICLE III.

Questions arising as to the priority of invention shall be settled according to the date of the request for the respective patents in the country where they were granted.

ARTICLE IV.

By invention or discovery shall be understood any new method, mechanical or manual apparatus, for the manufacture of industrial products; the discovery of any new industrial product, and the application of perfected methods for obtaining results superior to any previously known.

No patents shall be granted—

(1) To inventions or discoveries already made public in any of the contracting States, or in others not bound by this treaty.

(2) To those contrary to good morals or to the laws of the country in which the patents are to be issued or recognized.

ARTICLE V.

The rights of the inventor shall include that of enjoying the use of his invention and of transferring it to others.

ARTICLE VI.

Those persons interfering in any way with the rights of the inventor shall be prosecuted and punished according to the laws of the country in which the offense may be committed.

ARTICLE VII.

The simultaneous ratification of all the contracting nations shall not be necessary to the effectiveness of this treaty. Those who adopt it will communicate the fact to the Governments of the Argentine Republic and the Eastern Republic of Uruguay, which will inform the other contracting nations. This formality will take the place of an exchange.

ARTICLE VIII.

The exchange having been made in the manner prescribed in the foregoing article, this treaty shall remain in force for an indefinite period after that act.

ARTICLE IX.

If any of the contracting nations should deem it advisable to be released from this treaty, or to introduce modifications in it, said nation shall so inform the rest; but it shall not be released until two years after the date of notification, during which time measures will be taken to effect a new arrangement.

ARTICLE X.

The provisions of Article VII are extended to all nations who, although not represented in this Congress, may desire to adopt the present treaty.

Wherefore the plenipotentiaries of the nations enumerated sign and affix their seals to the foregoing to the number of ——— examplars, in the city of Montevideo, on the ——— day of the month of January in the year 1889.

[L. S.] (Signatures.)

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 178.

LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE

To ordnance stores for the States of Washington and Maine.

JULY 12, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

WAR DEPARTMENT,
Washington, July 11, 1890.

SIR: I have the honor to invite your attention to the following amendment reported by the Senate Committee on Appropriations to the sundry civil bill, page 86, viz:

Ordance Stores for Washington and Maine: To enable the Secretary of War to carry into effect the provisions of "An act to authorize the Secretary of War to issue ordnance and ordnance stores to the State of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon of said State whilst a Territory during the Nez Perce Indian war of eighteen hundred and seventy-seven and eighteen and seventy-eight, and for other purposes," approved June tenth, eighteen hundred and ninety, and "An act for the issue of ordnance stores and supplies to the State of Maine to replace similar stores destroyed by fire," approved May fourteenth, eighteen hundred and ninety, he is hereby authorized to use so much of the appropriations for ordnance and ordnance stores for the fiscal year eighteen hundred and ninety-one as may be necessary for this purpose.

This amendment indicates that the appropriation for the procurement of ordnance and ordnance stores during the present fiscal year may be used for the purpose of executing the acts of Congress above cited, in favor of the States of Washington and Maine.

These acts call for the expenditure of funds as follows:

Ordnance stores for Maine	$5,263.95
Quartermaster's stores for Maine	1,135.06
Ordnance stores for Washington	12,500.00
Making a total of	18,899.01

It will be seen that $1,135.06 worth of quartermaster's stores are embraced in the above, and to procure quartermaster's stores from appropriations made for the Ordnance Department would be in conflict with existing law (R. S., 3678).

Should this amendment become a law as reported above, it would practically defeat the objects of the acts cited therein for the benefit of the States of Maine and Washington and for the reason that the appropriations made for ordnance stores in the Army bill (see copy inclosed, page 9) are hardly sufficient for the absolute needs of the Army. For some years past this Department has been unable to

properly repair and preserve the ordnance and ordnance stores on hand, owing to the limited appropriations.

In view of the foregoing facts I would recommend that the word "he" on line 17, and also lines 18, 19, and 20, of page 86, be omitted, and that there be inserted in lieu thereof the following words, viz, "the amount necessary to carry these laws into effect is hereby appropriated."

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE SENATE.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 179.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

In response to Senate resolution of June 24, 1890, report relative to supposed claims and accounts in the Treasury Department of which the claimants are ignorant.

JULY 12, 1890.—Laid upon the table and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 11, 1890.

SIR: In reply to the resolution of the Senate of June 24, 1890, "That the Secretary of the Treasury be directed to inform the Senate whether there be due claims and accounts in his possession in favor of soldiers and sailors and other creditors of the United States, of which there is reason to believe them to be in ignorance, and whether or not such knowledge of claims and accounts so due is withheld from such creditors by the practice of his Department, and, if so, for what reason, and whether or not it is the practice of his Department to notify such creditors or their legal representatives by mail or by publication or in any other manner when, by reason of long delay or for any other reason, there is cause to believe that the creditor is ignorant of the existence of his claim, and especially to inform the Senate as to the subject-matter of this resolution in its application to the settlement of claims of soldiers and sailors and those of their parents, widows, children, and legal representatives," I have the honor to transmit herewith the reports of the Second Comptroller, Second Auditor, Third Auditor, and Fourth Auditor upon the subject-matter of the resolution, for the information of the Senate.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
July 2, 1890.

Respectfully returned to the honorable the Secretary of the Treasury, with the information that it is impossible for me to comply with the requirements of the within resolution of the Senate. This bureau only

passes upon claims transmitted here by the Auditors. When any request is made upon this bureau for information, such request is complied with as far as possible, but usually it results in referring the request to the proper Auditor for answer. Inasmuch as this office does not have original jurisdiction in the matter of claims, I would respectfully suggest that the within resolution be referred to the Second, Third, and Fourth Auditors of the Treasury for report.

I have the honor, however, to add, that it is the rule of this office to allow all items clearly due any claimant, whether specifically claimed or not.

B. F. GILKESON,
Comptroller.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE,
Washington, D. C., July 2, 1890.

SIR: I have the honor to return herewith Senate resolution of the 24th ultimo, calling upon the Secretary of the Treasury for information upon the following points:

(1) Whether there be due claims and accounts in his possession in favor of soldiers and sailors and other creditors of the United States, of which there is reason to believe them to be in ignorance.

(2) Whether or not such knowledge of claims and accounts so due is withheld from such creditors by the practice of his Department, and, if so, for what reason.

(3) Whether or not it is the practice of his Department to notify such creditors or their legal representatives, by mail or by publication, or in any other manner, when, by reason of long delay or for any other reason, there is cause to believe that the creditor is ignorant of the existence of his claim.

(4) The Secretary is requested especially to inform the Senate as to the subject-matter of this resolution in its application to the settlement of claims of soldiers and sailors, and those of their parents, widows, children, and legal representatives.

As the resolution has marked reference to claims of soldiers and sailors and their legal representatives, I will first give such information as I am possessed of bearing on the subject of soldiers' claims (sailors' claims are settled by the Fourth Auditor), and then answer the specific questions propounded in regard to claims and accounts generally.

There seems to be some misapprehension as to the authority of the Second Auditor to deal with matters pertaining to arrears of pay and bounty, and the question has been often asked why he does not ascertain how much, if anything, is due to each soldier who served in the late war, and pay the amount at once to the soldier or his heirs. The reply to such a question is that the authority of the Auditor is derived from and limited by the act of March 3, 1817 (section 277, Revised Statutes), which makes it his duty simply to "receive and examine" all accounts relating to the pay and clothing of the Army, and to bounty, and after examination to certify the balances to the Second Comptroller. In my judgment, nothing can be clearer than this law. The Auditor is empowered to "receive" accounts, and then examine them. He can not "receive" an account that is never presented to him, therefore he is without jurisdiction of the subject-matter of accounts (or claims) for arrears of pay and bounty until such accounts shall have been presented to him by the parties in interest.

The muster and pay rolls of the armies of the United States and other vouchers upon which payments were made by paymasters, and which show what amounts were paid to individual soldiers, are not regarded either as claims or accounts due such soldiers, even if they show that the soldiers did not receive all they were entitled to. Said rolls and vouchers pertain to and in fact constitute the accounts of the paymasters who paid them.

If they are accounts or claims of soldiers, then the settlement of each paymaster's accounts was also a settlement of the accounts of every soldier paid by him, and the accounting officers have no authority to re-open such accounts unless it is shown that mistakes in matters of fact have occurred arising from errors in calculation, or unless material testimony has subsequently been discovered and produced. (See 15 Peters, 400–1, and Treasury Circular No. 119, series of 1885.) In either case some action on the part of the soldier or his heirs would be necessary to bring the matter within the jurisdiction of this office.

From the very foundation of the Government it would appear to have been the intention of the law-makers not that the Treasury Department should seek claimants, but that persons having claims against the United States should present them to the Treasury for adjudication. In proof of this assertion I cite a few of the acts of Congress relating to accounts and claims:

The act of September 2, 1789, to establish the Treasury Department made it the duty of the Auditor to *receive* all public accounts, etc. (1 Stat., 66). The act of March 27, 1792, providing for the settlement of claims, enacted that every officer, soldier, etc., having claims for services rendered to the United States "who shall exhibit the same for liquidation at the Treasury of the United States" shall be entitled to an adjustment and allowance thereof (1 Stat., 245). The act of February 12, 1893, required certain classes of claims to be "presented at the Treasury" within a given period, and the Auditor was directed to "*receive* all such claims" (1 Stat., 301). The act of July 4, 1836, granting half-pay to certain classes of widows or orphans directed "that the Secretary of War shall adopt such forms of evidence *in applications under this act*, as the President of the United States shall prescribe" (5 Stat., 128). Section 15, act of July 28, 1866, as modified by section 3, act of March 3, 1869, made it the duty of the Auditor "to cause to be examined the accounts of each and every soldier *who makes application*" for additional bounty, and section 4 of the last-named act declares that all claims for such bounty "shall be void unless *presented* in due form prior to December 1, 1869" (14 Stat., 323, and 15 Stat., 334). See also act of July 13, 1870 (16 Stat., 254), act of April 22, 1872 (17 Stat., 54), and other acts "to extend the time for filing claims for additional bounty." Many other laws might be referred to in which Congress, following the act of March 3, 1817, which merely authorizes the Auditor to *receive* accounts, has required that claims must be filed or presented.

As I have no desire to conceal any facts bearing on the subject of the Senate resolution, I will say that if the military and pay records of each of the 2,700,000 soldiers who served during the late war were carefully examined, I have no doubt that in many instances the United States would be found to be indebted to the soldier, but unless these probable creditors or their heirs make application, or unless Congress shall extend the power and duties of the Auditor, I have no authority to make such an examination. Besides, in several classes of cases an application from the soldier or his heirs is absolutely necessary to determine whether anything be due or not. For example, a soldier who

enlisted in July, 1861, for three years, was killed at Gettysburg July 1, 1863. Assuming that the rolls of his company show that he was paid up to April 30, 1863, he had two months and one day's pay due, which belonged to his estate and was payable either to his widow, legal heirs, or legal representatives. There would also be due a bounty of $100 under the act of July 22, 1861, payable absolutely to his widow or children; or conditionally to his father, mother, brothers or sisters, the condition being that these heirs must be residents of the United States (act of July 11, 1862, 12 Stat., 535). Under the act of July 28, 1866, an additional bounty of $100 would be due to certain statutory heirs of the soldier, namely, his widow, provided she had not remarried prior to the date of the act, or his children who were minors at said date, or his father or mother, provided they were residents of the United States. The muster and pay-rolls on file in this office give no information whatever respecting a soldier's heirs. It follows, therefore, that no complete or reliable settlement of his accounts could be made without an application from the heirs, even if the auditor had authority to attempt such a settlement.

There is however one class of claims or accounts which have been formally presented and settled but not paid, the amounts declared to be due the soldiers or their heirs having been returned to the Treasury because the claimants could not be found by the disbursing officers of the War Department to whom the certificates of the accounting officers had been transmitted for payment as required by law. I refer to the claims of colored soldiers and their heirs for arrears of pay and bounty. In accordance with the act of March 29, 1867 (15 Stat., 26), the amounts found due colored soldiers were paid to the Commissioner of the Freedman's Bureau, to be held by him subject to the order of the claimants or their legal representatives. When that bureau was discontinued, its duties, so far as moneys due colored soldiers were concerned, devolved upon the Adjutant-General of the Army under the provisions of the act of July 10, 1872 (17 Stat., 366), and General Orders 55, War Department, series of 1872, and all claims remaining unpaid were turned over to a disbursing officer acting under the Adjutant-General's orders. By the act of December 15, 1877 (20 Stat., 11) the duty of paying colored claims was transferred to the Pay Department on and after January 1, 1879, and since that date all such claims as have been certified by the accounting officers have been paid by Army paymasters. In 1876 it was reported to this office that a large number of colored claimants in whose favor settlements had been made could not be found and authority was requested to return the amounts to the Treasury. The Auditor accordingly authorized the deposit of all amounts that had remained unclaimed for seven years. This authority was based upon the legal presumption of the death of a claimant from whom nothing had been heard for that period.

A large amount of money due colored soldiers and returned to the Treasury as above stated still remains unclaimed, but frequent demands for the payment of this money are being made and allowed on the presentation of satisfactory evidence of identity or heirship. It is understood that every proper effort to find colored claimants was made by the disbursing officers of the War Department. This office has no information as to the whereabouts, or even the existence, of those who have not applied since the amounts due them were returned to the Treasury. I inclose copies of letters written to Hon. John Goode, February 2, 1880, and to the Secretary of the Treasury, January 31, 1882, respecting moneys found due colored soldiers. (See inclosures Nos. 1 and 2.)

There is one point of considerable importance which should not be overlooked in considering the question of arrearages of soldiers' pay and bounty, namely: that by the act of March 21, 1866, all court-martial fines and forfeitures by desertion, and all moneys due deceased officers and soldiers of the volunteer army remaining unclaimed for three years, were appropriated for the establishment and support of the National Home for Disabled Volunteer Soldiers, the moneys due such deceased officers and soldiers to be repaid upon the demand of their heirs or legal representaties. So much of the act of 1866 (section 4831, Revised Statutes) as appropriated fines, forfeitures, and unclaimed moneys for the support of the National Home was repealed by the act of March 3, 1875, but the provision that unclaimed moneys paid to the Home shall be repaid upon the demand of the heirs, etc., still stands.

From 1866 to 1875 this office made settlements in many thousand cases, and paid to the National Home $6,128,252.92, a large proportion of which was moneys due the estates of deceased officers and soldiers. As the Home has no funds of its own from which unclaimed moneys paid to it under the provisions of the act of 1866 can be repaid—said Home having been supported since 1875 by direct appropriations made by Congress—all repayments have to be made from the Treasury of the United States, but there must first be a demand from the heirs or legal representatives of the soldier.

I will now answer the specific questions contained in the Senate resolution, as far as they concern this office:

(1.) Whether there be due claims and accounts in favor of soldiers and other creditors of the United States of which there is reason to believe them in ignorance.

As already stated there are, no doubt, unclaimed arrearages of pay and allowances to which soldiers of the late war or their heirs are entitled, but the facts can only be developed by an examination of the records in each individual case; and the presentation of a claim is a necessary prerequisite to such an examination. In all cases where claims have not been made it may be presumed either that the claimants are in ignorance of their rights, or that the soldier left no heirs or legal representatives.

(2) Whether the knowledge of claims and accounts due is withheld from claimants.

Strictly speaking, a "claim" or an "account" can not be said to be due. It is the balance arising on the settlement of a claim or an account that is due to the person in whose favor a settlement has been made.

On the presentation of a claim or an account, the claimant or his attorney is notified what, if anything, is needed to perfect the claim. In cases where no attorney has been employed all proper assistance is given to the claimant, and he is furnished with blanks and such information as appears to be necessary to enable him to complete his claim. As soon as a claim has been settled the claimant and his attorney (if he have one) are notified of the result of such settlement. But if no claim be made there is nothing legally before the Auditor for his action. He has no knowledge of any creditors except such as present accounts or claims for adjustment.

(3) Whether creditors or their legal representatives are notified by mail, by publication, or in any other manner, when there is cause to believe that the creditor is ignorant of the existence of his claim.

I am not informed of any law, regulation, or practice of the Department which would authorize me to notify any one of "the existence of

a claim," unless the claim had been received by me as contemplated by law. In that case the necessity of notification would not exist, because the claimant, unless he be *non compos mentis*, must necessarily be cognizant of the fact that he has presented a claim. If, after presenting his account and furnishing such evidence as may have been called for in support thereof, a claimant dies and this office is not informed of the fact, the account is settled and a check for the amount found due is mailed by the pay department with instructions to the postmaster to deliver the letter to no one but the person to whom it is addressed. On the return of such a letter with information of the addressee's death, the postmaster is requested by the pay department to notify the representatives of the deceased that they should apply to the Second Auditor.

If, after presenting but not perfecting his account, a claimant dies and no one appears to prosecute the claim, it is regarded as having been abandoned. In such case no settlement can be made.

As my proper official duties are confined by law to receiving and auditing accounts and claims it might be a serious question whether, if I undertook to notify persons of the existence of claims, I should not render myself liable to the pains and penalties prescribed by section 5498, Revised Statutes, for aiding or assisting in the prosecution or support of a claim otherwise than in discharge of my proper official duties. But, admitting the propriety of notifying a creditor or his representatives of the existence of a claim, the question would then arise, where is the creditor? Or, who are his legal representatives? The surviving soldiers of the late war are so scattered, that to reach them by publication would necessitate extensive advertising in every State and Territory of the Union, as well as in Canada, Europe, and other foreign countries. With regard to heirs and legal representatives, the chance of finding them would be still more remote, because many soldiers enlisted under assumed names, a fact which is sufficiently established by the recent passage of a general act for their relief. (See act approved June 16, 1890; Public—No. 159.)

In addition to balances due colored soldiers, and unclaimed arrears of pay, etc., probably due other soldiers, there are a few old balances on the books of this office which have not been paid for various reasons. In some instances the claimants refused to accept the amounts allowed; in others, they took no steps to collect the balances declared in their favor, of which they were duly notified, and in the remaining cases the whereabouts of the creditors or their heirs were, and are, not known. These old balances are generally insignificant in amount and do not aggregate more than a few hundred dollars.

In connection with the subject-matter of the Senate resolution, attention is invited to the following extract from the Second Auditor's report for 1887:

Experience has shown that not only those persons who have valid claims under new laws and decisions make demands upon the Treasury, but that thousands of others who fancy they have not been paid in full present formal applications in such comprehensive terms as to include every kind of pay, emolument, bounty, or other allowance that has been authorized since April 19, 1861. Under the practice that obtained prior to 1882, claims of the class last mentioned would have been summarily rejected by the Second Auditor, but by a decision of the Second Comptroller, which has governed the disposition of such cases since January 1, 1882, they must be examined and certified to that officer, with all vouchers and other evidence, for his action, under section 277, Revised Statutes. The continued influx of claims devoid of merit explains the comparatively undue proportion of disallowances, which, last year, was nearly 58 per cent. of the entire number disposed of. If it were possible that the time spent in the examination and investigation of worthless cases could be devoted to the adjustment of meritorious ones, the list of unsettled claims would be rapidly diminished and the creditors of the Government might expect that their business with *this* office would be transacted within a reasonable period.

During the last nineteen years 358,000 claims for arrears of pay, etc., have been acted upon, of which 234,300 (more than 65 per cent.) were disallowed because the soldiers or their heirs had already received all they were entitled to. In the great majority of the 124,000 cases allowed, the allowances were based upon laws enacted or decisions made since the war.

Respectfully yours,

J. N. PATTERSON,
Auditor.

The SECRETARY OF THE TREASURY.

[Inclosure No. 1.]

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., February 2, 1880.

SIR: I am in receipt of your letter of the 17th ult. inquiring "How much money, originally appropriated for the pay and bounty of colored soldiers, has been covered back into the Treasury from the War Department, because unclaimed; and how much of such appropriations not covered back into the Treasury remains unclaimed at this time by those for whose benefit said appropriation was made?"

In reply I have the honor to report as follows:

(1) With the exception of $50,000 appropriated by the act of March 3, 1879 (20 Stat., 377), no money has ever been originally appropriated for the pay and bounty of colored soldiers. This class of claimants has been paid from the general appropriations for "Pay of two and three year volunteers," "Bounty to volunteers, their widows and legal heirs," and "Additional bounty, act July 28, 1866."

(2) The total amount covered back into the Treasury is $487,000, but more than one-half of this sum has since been claimed. The actual amount remaining unclaimed is $240,233, of which a large portion will undoubtedly be paid out, as claims are being filed every day, either by the original claimants who could not be found by the disbursing officers, or by the heirs of those who died subsequent to the allowance of their claims.

(3) The amount of such appropriations not covered back into the Treasury is $45,000, the whole of which is expected to be claimed.*

Very respectfully,

H. C. HARMON,
Acting Auditor.

HON. JOHN GOODE,
Chairman Committee on Education and Labor, House of Representatives.

*All claimed except $597.39, which was carried to the surplus fund June 30, 1883. (This refers to the special appropriation of $50,000, made by the act of March 3, 1879.)

[Inclosure No. 2.]

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., January 31, 1882.

SIR: I have the honor to submit the following report in relation to House bill No. 878, Forty-seventh Congress, first session, "To encourage and aid the education of the colored race in the several States and Territories."

This bill is substantially the same as House bill No. 2571, Forty-sixth Congress, second session, upon which this office made a report on February 2, 1880, by request of Hon. John Goode, Chairman of the House Committee on Education and Labor, on whose motion said committee was discharged from the further consideration of the bill, March 10, 1880. (House Journal, p. 750, second session, Forty-sixth Congress.)

I inclose a copy of the report referred to, from which it will be seen that the sum of $487,000 had been repaid into the Treasury up to January 1, 1880, on account of arrears of pay and bounty certified to be due colored soldiers, but not paid because the claimants could not be found. Since that date additional repayments have increased the amount to $504,435.21, but, as stated in the letter to Mr. Goode, more than one-half of this sum has been claimed, and demands are being made almost daily by the heirs and legal representatives of the soldiers to whose estate the money belongs.

It should be further stated that a large amount of arrears of pay and bounty due deceased colored soldiers, and remaining unclaimed three years, was paid to the

National Home for Disabled Volunteer Soldiers, in accordance with section 5 of the act of March 21, 1866, to be repaid upon the demand of the heirs or legal representatives of such deceased soldiers. (Section 4831, Revised Statutes). In the adjustment of such demands as were made prior to April 1, 1875, the requirement of the act of 1866 with regard to repayments by the National Home was duly complied with, but after that date the Home was placed upon an entirely new financial footing, and section 4831, Revised Statutes, was so modified by the act of March 3, 1875 (18 Statutes, 359), as to be left fragmentary and meaningless. The act in question prohibited any payment or advance to the National Home after April 1, 1875, while any moneys theretofore received remained unexpended. (18 Statutes, 360.) This prohibition effectually placed it beyond the power of the Home to repay any moneys received under the act of 1866 that might be claimed by the heirs of deceased soldiers. The Treasury Department has, therefore, in a number of instances, been obliged to pay to the heirs of deceased soldiers the arrears of pay and bounty already paid to the National Home in accordance with law, and expended by it before it could draw upon the specific annual appropriation for its support.

The inclosed bill does not contain any provision for the repayment by the proposed beneficiaries of such accounts as may hereafter be claimed by the heirs or legal representatives of deceased colored soldiers, neither does it bar the claims of said heirs. If it should become a law it will result in a great number of triple payments from the Treasury because—

(1) The National Home for Disabled Volunteer Soldiers has already received the money due a number of colored soldiers, and expended it.

(2) The money, in such cases, will again be paid, under the proposed law, to certain educational institutions.

(3) The United States will have to pay those heirs or legal representatives who make good their claims, notwithstanding the fact that the money will have been twice paid, as above set forth.

While the object of the inclosed bill is unquestionably praiseworthy, I must take the liberty of observing that the method by which it is proposed to accomplish that object is open to grave objections, the nature of which is sufficiently indicated by the foregoing remarks. If it be deemed just and proper that the actual amount due to colored soldiers, their heirs or legal representatives, should be set apart for the education of the colored race, it will be necessary to determine, by a tedious and costly examination, exactly how much remains unclaimed, and what part of that unclaimed amount has been paid to the National Home in accordance with law. It will also be necessary to absolutely bar all claims of colored soldiers not presented up to some date to be fixed by act of Congress.

Very respectfully,

O. FERRISS,
Auditor.

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE,
Washington, D. C., June 27, 1890.

SIR: I have the honor to return the copy of Senate resolution dated June 24, 1890, and to state as follows:

This office does not audit claims for any pay regularly and periodically accruing to soldiers, but only for certain allowances which became due only under exceptional circumstances, such as commutation for quarters, fuel, or rations, in exceptional cases where direct provision in such respects was not made for the particular soldier. Of the facts which would create a valid claim in favor of a soldier this office could have no information, until the claimant had set them out, and proper investigation in various branches of the War Department had collected the necessary information, for use in connection with the accounts of disbursing officers. Hence this office would have no information of a balance being due to a soldier, until after presentation and investigation.

In respect to balances due civilian creditors, of the classes within the province of this office, their demands grow out of business transactions by them with various branches of the Army.

The accounts of the disbursing officers show what payments have actually been made by them; but, without other information, afford no indication what further sums, if any, remain due; and nothing would occur to cause this other information to be collated from various sources, and to come before the accounting officers, until after the presentation of a claim; indeed, a portion of such information must generally emanate from a claimant.

This office would, therefore, be wholly uninformed of the existence of grounds for a claim until after the presentation and investigation of a claim.

Respectfully, yours,

W. H. HART,
Auditor.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

TREASURY DEPARTMENT,
FOURTH AUDITOR'S OFFICE,
Washington, D. C., June 26, 1890.

SIR: In compliance with your indorsement of the 25th instant, upon a resolution of the Senate of June 24, I have the honor to report that undoubtedly there are many cases of claims shown on the rolls and records of this office in favor of officers and sailors, of which there is reason to believe the persons interested are ignorant.

This office is also ignorant of the existence of those claims, or of the persons to whom they are due, until an inquiry is made and an examination in the actual case develops the fact.

It is not the practice of the office to withhold from the persons entitled thereto, or their authorized attorneys or agents, the knowledge of anything due, but it requires an enquiry from the party interested. Full information is then given, and every assistance rendered the claimant. If anything is found due they are informed how to make application, and provided with the proper blank forms, etc., and if nothing is found due they are so advised and the reason given.

It is the practice of the office to notify all claimants when a claim has been adjusted and a balance declared in their favor; but the office can not notify persons of undetermined claims even by publication, as it is not practicable to take up and search through the service of every person who has served in the Navy to determine if he has received all that might be due him.

In cases where the claims are known and liquidated, as in the few cases of sums standing to the personal credit of individuals on the ledgers of the office, and where amounts for prize money have been distributed on the books to the individual captors, but remain unpaid, it has never been considered advisable to publish the names; the opportunity for fraud would be greatly increased by any such publicity.

In answer to the closing clause of the resolution I have generally to state that in my opinion every facility is rendered to the claimants (including the widows, parents, children and legal representatives) consistent with safety to the Government, and practicable under the system in use for keeping the accounts of the seamen of the Navy.

Very respectfully,

JOHN R. LYNCH,
Auditor.

The SECRETARY OF THE TREASURY.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 180.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State with a report of the International American Conference relating to an international monetary conference.

JULY 12, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a copy of a report of the International American Conference, recently in session at this capital, recommending the establishment of an international American monetary union, and suggesting that the President be authorized to invite the several American nations to send delegates to its first meeting in Washington, on the first Wednesday of January next, that authority also be granted for the appointment of three delegates on the part of the United States, and that an appropriation be made to meet the necessary expenses.

I commend these suggestions and hope they will receive the prompt consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 12, 1890.

DEPARTMENT OF STATE,
Washington, July 10, 1890.

The PRESIDENT:

The International American Conference, recently in session at this capital, adopted the following report:

The International American Conference is of opinion that great advantages would accrue to the commerce between the nations of this continent by the use of a coin or coins that would be current at the same value in all the countries represented in this Conference, and therefore recommends—

(1) That an international American monetary union be established.

(2) That as a basis for this union an international coin or coins be issued which shall be uniform in weight and fineness, and which may be used in all the countries represented in this Conference.

(3) That to give full effect to this recommendation there shall meet in Washington a commission composed of one delegate or more from each nation represented in this Conference, which shall consider the quantity, the kind of currency, the uses it shall have, and the value and proportion of the international silver coin or coins, and their relations to gold.

(4) That the Government of the United States shall invite the commission to meet in Washington within a year from the date of the adjournment of this Conference.

It was hoped and expected by the Conference that the recommendations would be transmitted to Congress with a recommendation that the several nations interested be invited to send delegates to a meeting of the international American monetary union at Washington on the first Wednesday of January next; that authority be granted for the appointment of three delegates on the part of the United States, and that an appropriation be made to meet the necessary expenses.

Respectfully submitted.

JAMES G. BLAINE.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc No. 181.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A letter of the Secretary of State, with a report of the International American Conference on the subject of weights and measures.

JULY 12, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

WEIGHTS AND MEASURES.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a copy of the Report upon Weights and Measures adopted by the International American Conference, recently in session at this capital.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 12, 1890.

DEPARTMENT OF STATE,
Washington, July 12, 1890.

The PRESIDENT:

I have the honor to transmit herewith a copy of the Report on Weights and Measures as unanimously adopted by the International American Conference. This report, as will be seen, recommends the adoption by the United States of the metrical decimal system of weights and measures, which is now in use by the Governments and people of all the other American Republics and most of the nations of Europe, and which is already authorized by the laws of the United States. The adoption of this system in the customs service would, it is believed, greatly promote the public convenience, and I beg leave to submit, for the consideration of Congress, the draught of a bill for that purpose.

Respectfully submitted.

JAMES G. BLAINE.

A BILL to authorize the use of the metric system of weights and measures in the customs service of the United States.

Be it enacted by the Senate and House of Representatives in Congress assembled, That from and after the first of July, 1891, the metric system of weights and measures, authorized by the act of Congress approved July 28, 1866, shall be used exclusively in the customs service of the United States.

INTERNATIONAL AMERICAN CONFERENCE.

REPORT ON WEIGHTS AND MEASURES.

To the Honorable the International Conference:

The committee appointed by the honorable president to inquire into the advisability of the adoption, by all the nations here represented, of a uniform system of weights and measures, have the honor to submit the following report:

The need of establishing a unit of comparison for everything susceptible of being weighed or measured was doubtless recognized from the remotest antiquity; or rather from the time when, the right of ownership being acknowledged, the bartering or exchange of commodities became a definitely established practice.

History shows that this unit of comparison was generally some portion of the human body.

The Hebrews, as well as the Carthaginians, Phœnicians, and Egyptians, had, as their principal measure of length, the foot.

Later, the Greeks and Romans added to the number of their measures the finger, the thumb or inch, the palm, the fathom, the pace, the double-pace, etc., the names of which indicate the source whence they are derived.

These are the measures which even after the lapse of centuries have been in use in the greater number of civilized nations.

But as the human body varies so much in size the measures adopted from it are necessarily arbitrary. At the present day even the learned are not agreed about the exact length of the Greek and Roman foot, being divided in their opinions among various estimates.

It is evident, then, that such a standard of measurement has not and can not have a constant and uniform basis even at a given period, and still less at different times, or with reference to different races at the same time.

Such considerations induced the Constituent Assembly of France, in the last decade of the eighteenth century, to adopt as the basis of a system a simple and invariable dimension susceptible of ascertainment at all times.

So, by decree of May 8, 1790, upon the motion of Mr. Talleyrand, it was ordered that a commission composed of French savants, to be appointed by the Academy, should be charged with ascertaining the length of a simple pendulum which would mark a second at the level of the sea in latitude 45°. The same decree provided that the Government should request the King of England to appoint a committee from the Royal Society of London to co-operate with the French commission with a view to establishing a common system of weights and measures, and recommending its use to the other nations.

The French delegates, nominated by the Academy, were Lagrange, Laplace, Monge, and Condorcet. The English Government declined to co-operate, assigning as a reason the political contentions then agitating France.

The French commission, departing from the original programme, which contemplated chiefly the determination of a pendulum vibrating seconds, considered the question whether it would not be better to take as a unit of length a fraction of the earth's meridian. This idea having been adopted, for fear that there would else be difficulty in securing

for the new system the approval of those nations whose territory was not intersected by the 45th degree, the commission on the 17th of March, 1791, presented to the National Assembly a report in which it proposed to adopt as a fundamental unit the $\frac{1}{10000000}$ of a quarter of the earth's meridian, and to give to this unit the name of meter. In accordance with these recommendations, Mechain and Delambre were charged with the delicate problem of measuring the arc of the meridian included between Dunkirk and Barcelona. Mechain and Delambre found the quarter of the meridian equal to 5,130,740 toises, which result was adopted by the legislative body on the fourth Messidor of the year VII (June 22, 1799).

The same measure of length served also as a basis for establishing the unit of weight called a gram, adopted by the law of the eighteenth Germinal, year III. This is the weight, in a vacuum, of a cubic centimeter, of distilled water, taken at its maximum density, which corresponds to the temperature of 4° centigrade above zero.

The expressive nomenclature with its concise prefixes, the ascending and descending series of multiples and submultiples, and the facility with which it lends itself to decimal calculation, make this simple and admirable system the only one worthy of universal adoption by civilized nations.

In fact, in 1873 an international commission, known as "The [International] Metric Commission," met in Paris, with a view to agreeing upon the adoption of a universal system of measures. England, Russia, Austria, Germany, Bavaria, Würtemberg, Switzerland, Italy, Spain, Portugal, Belgium, Holland, Sweden, Denmark, Turkey, the United States, and several of the Spanish American Republics were represented by distinguished scientific men. After careful deliberation they abandoned the idea which had been entertained, of a new measurement of the earth's meridian, recognizing the fact that such an undertaking would be attended with great difficulties, and could yield only uncertain results, and they agreed to adopt the French meter, the standard of which is preserved in the French archives.*

The same decision was taken with regard to the kilogram as the unit of weights.

The commission also recommended certain necessary precautions for securing the accuracy of the standard meter according to the dimensions fixed upon.

Finally, a convention for securing the international unification and perfection of the metric system was signed in Paris on the 20th of May, 1875, which convention was ratified by the Governments of the following nations: Switzerland, Germany, Austria-Hungary, Argentine Republic, Denmark, Spain, Italy, Peru, Portugal, Belgium, Brazil, United States, France, Russia, Sweden and Norway, Turkey, and Venezuela.

The following gave their adhesion afterwards: Servia, in 1879; Roumania, in 1882; Great Britain, in 1884; and Japan in 1885. The Republics of Chili, Colombia, Equador, Bolivia, Costa Rica, Mexico, Salvador, and Uruguay have also adopted that system.

In a recent lecture delivered before the Academy of Sciences at Paris, M. de Malarce said:

> That in 1877 the use of the metric system was obligatory in various parts of the globe, that system being the one employed by 302,000,000 persons; that in the course of ten years it had been adopted by 53,000,000 more; that in the same year, 1877, various countries containing a population of 97,000,000 voluntarily adopted the use

* In the International Metric Bureau, which seventeen nations contribute to support and direct.

of this system; that it was also legally admitted in Russia, Turkey, and British India, which had, the same year, 1877, a population of 395,000,000, thus receiving in ten years an addition of 545,000,000. In China, Japan, and Mexico the decimal system prevails, but not the metric. This last has been adopted and legally recognized by 794,000,000 souls, and the decimal system is in use among 470,000,000 of inhabitants in the three countries last named. So that only 42,000,000 persons exist who reckon according to the ancient systems of weights and measures, and who do not recognize the metrico-decimal.

Recently the United States Government received official fac-similes of the meter and kilogram agreed upon in the International Metrical Conference, held in Paris in September of last year, and the boxes containing them were officially opened on the 2d instant at the Executive Mansion in the presence of the President of the Republic and other functionaries, and certain distingished personages specially invited for the ceremony.

RECOMMENDATION AS ADOPTED BY THE CONFERENCE.

The advantages which the metrico-decimal system offers being so evident, and that system having been already adopted by so considerable a number of nations, your committee recommend the adoption of the following:

Resolved, That the International American Conference recommends the adoption of the metrical decimal system to the nations here represented which have not already adopted it.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 182.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the International American Conference relative to a proposed uniform system of port dues and consular fees.

JULY 14, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference, recently in session at this capital, concerning a uniform system of port dues and consular fees to be adopted by the several American Republics, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 14, 1890.

DEPARTMENT OF STATE,
Washington, July 14, 1890.

The PRESIDENT:

The International American Conference, recently in session at this capital, made some important suggestions for the consideration of the several Governments represented, looking to the reduction and simplification of port charges and consular fees. Copies of the reports are herewith submitted, with the hope that you will deem them worthy to be transmitted to Congress, for such action as may be thought advisable.

Respectfully submitted,

JAMES G. BLAINE.

INTERNATIONAL AMERICAN CONFERENCE.

REPORTS ON PORT DUES.

I.

The committee, after duly considering the various suggestions which have been offered, and also the difficulties raised by certain of the delegations to fixing at present any one common and uniform rate of port dues in all the nations represented in the Conference (on account of the special conditions at present prevailing in the ports of several of said nations in respect to the services for which the charges are made); and desiring to approach as closely as possible to uniformity, while it is impracticable completely to abolish the charges now imposed upon vessels in the shape of such dues, has the honor to submit the following report:

RECOMMEDATIONS AS ADOPTED BY THE CONFERENCE.

The International American Conference hereby resolves to recommend to the Governments therein represented:

First. That all port dues be merged in a single one, to be known as tonnage dues.

Second. That this one charge shall be assessed upon the gross tonnage, or, in other words, upon the total carrying capacity of the vessel.

Third. That each Government fix for itself the amount to be charged as tonnage dues, but with due regard to the general policy of the Conference upon the subject, which is to facilitate and favor navigation.

Fourth. That there be excepted from the provisions of Article I the dues charged or to be charged under unexpired contracts with private companies.

Fifth. That the following shall be exempt from tonnage dues:

1. Transports and vessels of war.
2. Vessels of less than 25 tons.
3. Vessels which by any unforeseen and irresistible cause shall be compelled to put into port, deviating from their course.
4. Yachts and other pleasure boats.

II.

ON CONSULAR FEES.

The honorable Conference has instructed this committee to consider and propose the most adequate manner of establishing a uniform system of consular fees.

The comparative study of the regulations which the committee has been able to examine, has led it to the conclusion that within the limits assigned to it, the desired result could only be secured in a partial and incomplete manner.

Inasmuch as the fees or compensation allowed to consuls depends upon the nature of the services they render, it is necessary that the acts of the consular agents of the different nations represented in the Con-

ɜrence be of the same nature in order that the fees charged by them nay be equal and uniform.

It is this prerequisite which is lacking in the present consular regulations.

With the exception of acts specially referring to navigation and commerce, respecting which it would be very easy to establish a uniformity of fees, there are many acts which either only exist in the rules of one of the nations here represented, or else differ in detail or manner of classification so as to prevent the fixing of the amount of the fee.

Your committee does not consider it impossible to establish identical regulations for the consular agents of American nations; but since on the one hand we have not believed ourselves authorized to undertake it, in view of the scope of our instructions, and on the other, it is probable that the time remaining which the honorable delegates can devote to the various subjects submitted to their consideration would not suffice for the careful study required by a matter of that nature, we have thought it preferable, with a view to obtaining a precise result, to offer the following resolution:

RECOMMENDATION AS ADOPTED BY THE CONFERENCE.

Resolved, That the Governments represented in the Conference be recommended to prepare a uniform classification of the acts requiring the intervention of consular agents, fixing the maximum fees which should properly attach to each one of such acts, especially those relating to commerce and navigation.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 183.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the International American Conference touching a uniform code of International Law.

July 14, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendation of the International American Conference with reference to the adoption by the American Republics of a uniform code of international law, to which your attention is respectfully directed.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 14, 1890.

DEPARTMENT OF STATE,
Washington, July 14, 1890.

The PRESIDENT:

I have the honor to hand you a copy of a report on international law adopted by the International American Conference recently in session at this capital. The diversity of legislation by the several nations respecting property rights, contracts, partnerships, debt, marriage, dowry, inheritance, wills and bequests, the age of majority, the conveyance of property, the legalization of documents, and other civil and commercial transactions has been the source of great annoyance and expense to citizens of one nation who happen to be residing in another.

At the conference of the South American nations, in session at Montevideo from August, 1888, to February, 1889, careful study was bestowed upon this subject, resulting in the formation of a code of civil and commercial law, which has already been ratified by several of the Republics of the southern continent, namely, Bolivia, Brazil, Chili, Paraguay, Peru, Uruguay, and the Argentine Republic.

The recent Conference commends this code to the consideration of the Governments which have not given it their sanction, and the same is forwarded for the information of Congress

I also forward herewith, for the information of Congress, supplementary reports from the Committee on International Law—

(A) On the subject of claims and diplomatic intervention,

(B) On the navigation of rivers,

with recommendations in which the delegates on the part of the United States could not concur, and a majority report setting forth the grounds of their objection; also a rejoinder by the delegate from Ecuador to such minority report.

Respectfully submitted.

JAMES G. BLAINE.

INTERNATIONAL AMERICAN CONGRESS.

REPORTS ON INTERNATIONAL LAW.

I.

ON CIVIL AND COMMERCIAL LAW.

The Committee on International Law, whose duty it is to propose uniform rules of private international law concerning civil and commercial matters and the legalization of documents, has now the honor to submit for the consideration of the honorable delegates the result of its studies and deliberations.

Though uniformity of rules in matters of private international law was not specifically and expressly named in the act of Congress convoking this Conference as one of the subjects to be treated in the latter, there is no doubt that it falls legitimately within the scope and nature of those subjects, since such uniformity would most directly tend to promote prosperity and stability in the mutual relations of the various States of America. If the difficulties of communication, the differences to be found in the organization and the rules of the respective custom-houses, and even the diversity of weights and measures, are obstacles to the attainment of the desired end—that is, the greatest practicable unification and harmonization of the people of these States—a no less important obstacle is that which arises out of conflicts of law upon matters of daily occurrence and constant application. To facilitate the movement among these communities it is not only expedient but indispensable to endeavor to remove such obstacles.

Private international law is that branch of law which has the most direct, immediate, and intimate bearing upon the person, the family, and property; or, in other words, upon the three precious elements characterizing man in his social aspect. Vainly would we offer to any individual all the inducements of rapid, convenient, and cheap communication, or of similarly favorable conditions in matters of port dues, custom-houses, and money, if other subjects which are to him of the greatest moment, concerning either his personal rights, his authority and position in his family, or his powers and privileges in regard to his property, remain in doubt. Uniformity of rules in private international law would tend to remove this uncertainty, the consequences of which are the more to be feared as the union brought about by a more active and fruitful commercial intercourse grows closer and more intimate between the nations.

The ideal, no doubt, is an absolute and complete uniformity of legis-

lation, at least upon those points on which conflicts may arise. But as this can not at present be hoped for, we must at least provide a definite and safer rule by which such conflicts may be settled as they arise. Inasmuch as every nation, whether great or small, is entirely free to adopt for itself such institutions and laws as it may deem best calculated to supply its needs or to meet the circumstances which surround it, it of course happens that the differences of legislation exhibited by them are sometimes striking.

By virtue of the sovereignty of those States each of them has the indisputable right to enforce its laws within the limits of its territory and with respect to its own citizens. But when the case is that of foreigners within its territory, or of the citizens of the State in foreign territory, then there has to be considered, besides the law of the State itself, the law of the foreigner's nation, or the law of the place in which the citizen finds himself. Supposing that these laws differ, as they may, in view of the diversity of conditions and circumstances of each sovereign State, the necessity will be felt, urgently and imperatively, of some established principle by which the matter should be set at rest. If the nations were to live in entire isolation, if they were neither to admit foreigners into their territory nor to allow their citizens to enter foreign territory, if there were to be no commerce, navigation, or communication, or if the laws relating to civil and commercial life were everywhere the same, no difficulty whatever would be encountered. But, as already stated, the facts are that the laws are, and for a long time will continue to be, diverse; and furthermore, that nations do not live, nor ought nor wish to live, in isolation, and that, quite to the contrary, the independent States of America have gathered together here to discuss, through their lawful representatives, those measures which, in their opinion, may be the safest and most efficacious for promoting the closest and most intimate union which their independence and their true interests may possibly allow.

If, for instance, the law of North America fixes the age of twenty-one years as the full legal age, and in any of the Spanish-American republics it is the rule that full legal age is not reached until the age of twenty-five, it is necessary to have some standard for deciding whether a Spanish-American citizen is of full age here at twenty-one, or if a North American there must wait to be twenty-five in order to be considered as of full age. If marriage is entered into here with certain solemnities, and there the form and the solemnities are different, it is necessary to decide whether parties entering into the contract of marriage in their territory according to the laws of their own nationality are or are not entitled to have such marriage treated as valid everywhere; and it is necessary also to decide whether a foreigner here, or a North-American out of the United States, must in his marriage observe the formalities of the law of his own country or the formalities of the place in which it is celebrated. If a marriage entered into in one republic may by the laws of the latter be dissolved and the parties to such marriage go to live in another republic whose laws declare the contract indissoluble, or *vice versa*, it is necessary to know how to decide whether the marriage in question may or may not be dissolved. If, according to the law of the place in which the marriage is celebrated, the wife has power to manage her property and freely administer it, and according to the law of the place to which the parties move and in which they live, the wife has not this power, but the husband is the legal administrator, it is urgent to determine what rule shall govern in case of controversy. If the order of succession is different; if in one

place inheritance is a matter of right and in another the property may be freely disposed of by will; if the effects of contracts are different; if the methods of entering into partnerships or other commercial relations are not the same, or if the consequences thereof are different; if the form and effects of a bill of exchange or any other commercial paper are different, it is imperative that some rule should exist for settling such questions as may arise.

These ordinary instances, which might be indefinitely multiplied in every branch of civil and commercial law, and further complicated by questions as to what law applies to property found in one territory, when the owner is a foreigner, plainly demonstrate the necessity of certain rules for the determination of such controversies. These differences are due, as before said, to the sovereignty of the different States manifesting itself in diversities of legislation; but they ought, nevertheless, to be made to disappear by the harmonious action of the sovereignties themselves, in pursuance of their laudable desire to avoid all occasion of troubles or disputes among them.

Down to the present time all these conflicts have been decided according to doctrines held by writers on private international law, based on a philosophic study of the nature and bearing of the laws affecting the mutual relations of nations. But, although the progress already achieved in this branch is unquestionably great, and although the writings of Foelix, Fiore, Calvo, Riquelms, Wheaton, Story, Wharton in his work on the Conflict of Laws, Dudley Field in the draft of a Code of International Law, and very many others, whose mention would involve too great prolixity, have thrown considerable light upon all these subjects, their opinions, however, do not always agree upon important points, nor possess the binding force or the solemn authority which only can be imparted by the voluntary, express, and concerted recognition which a treaty gives. To secure this recognition would certainly be a very great step towards obtaining union, and the committee feels that it is its duty to set forth what are the reasons why, in spite of these considerations, it has been restrained from attempting, definitively and at once, anything in that direction, as it would very strongly have desired to do.

As all matters of private international law are intimately and necessarily connected with pointsofmunicipal law and technical jurisprudence and as the present Conference was not intended to be a congress of jurists, the committee has feared that some of the honorable members of the Conference would not feel authorized or disposed to enter upon discussions of law and undertake the study of the numerous provisions which would necessarily form part of any complete code of private international law on civil and commercial matters. Nor could the committee content itself, especially since elsewhere, as in Lima and Montevideo, such elaborate and accurate conclusions have been reached, with submitting for the approval of the Conference some five or six general and more or less indefinite principles, such as ordinarily form the basis and foundation of the doctrines and conclusions of the writers of treatises, because this would have had no practical effect or consequence, and would have left the subject in the same condition of vagueness and uncertainity that it was before. For these reasons the committee has had recourse to a plan which, in its judgment, not only avoids difficulties, but affords the best guaranties of certainty and the greatest probability of our securing safe and useful practical results.

The formulation of a code of private international law on civil and commercial matters would certainly require more time and attention

than can now be given to it, inasmuch as this is not the only subject with which the Conference has to deal, there being, in addition, many others of importance. Its discussion, furthermore, would be the work of many months, and this too, without there being any certainty that the end aimed at would be reached, because owing to the complexity of the subject and to the number and closeness of its relations to the internal legislation of each country, it would not be easy to form off-hand an accurate conception of what the common interests demand. Fortunately, the committee has found ready to its hand as distinguished and complete a presentation of the subject as could be desired. That presentation is embodied in the Treatise of Civil and Commercial Law sanctioned by the South American Congress of Private International Law of Montevideo, which opened on the 25th of August, 1888, and closed on the 18th of February, 1889. The amplitude of the discussions in that Congress, the minute and careful study of every point and detail involved, the intelligent consultation and laborious study which the reports and discussions show to have been bestowed upon the works of the most distinguished European and American writers, the just appreciation with which it has met, and, above all, the circumstance—so clearly entitled to great weight—that it has already secured the adhesion of seven of the American nations, have powerfully influenced the judgment of the committee in favor of embodying the work in question as the substance of what is to be recommended.

Had it not been for the reasons above indicated, in view of the wide scope of the said treaties, which the honorable members of the Conference already know—comprising, as they do, all matters of civil and commercial law—and had it not been, furthermore, for certain special obstacles which would prevent the delegation of the United States of America from adopting the suggestion, the committee would have simply suggested a recommendation to be made to the Governments represented in this Conference to adopt the treaties in question. But (the committee repeats) in view of them, and in view especially of the probability that some of the honorable delegates might feel bound, before indorsing such a recommendation, to go through a detailed personal study of the said treaties, and, perhaps, an examination and discussion of every one of the articles thereof, which would occupy the attention of the Conference for many months, it has decided not to go so far in the resolution to be submitted. That resolution accordingly embodies only the suggestion that the Conference recommend to the various Governments represented therein which have not already adopted the Treaties of Civil and Commercial Law formulated by the Congress of Private International Law at Montevideo that they examine the said treaties in such manner as they may deem most convenient, and, within one year from the closing of this Conference, announce whether they accept the same, and if they do, whether such acceptance is absolute or with restrictions or modifications.

The committee believe that by this plan undue haste is avoided in taking final action upon matters so delicate and important; and that, while in this way a sufficient time is afforded to each Government for making, in such manner as it shall deem best, an examination of the said treaties and for deciding as to the expediency of adopting them, or as to the necessity for modifications thereof, there is also presented a safe and definite foundation in a work already accomplished, and which, to the other sanctions which it presents, joins that of its being already the law of a considerable number of American nations.

It is possible—nay, probable and almost certain—that on a separate examination of some of the provisions of those treaties there may be found a formula which, in respect of expression or even of substance, would constitute an improvement upon those provisions; but the work ought to be considered as a whole, without losing sight of the fact that in these matters what is to be hoped for is not perfection in all the details, but the best result upon which the majority can unite without serious inconvenience to any. In this is found another reason for leaving to the Governments the examination of these treaties taken together, inasmuch as they would feel more at liberty to exercise their full authority in passing upon this or that point which here might give occasion now and then to the most serious scruples. They alone, furthermore, could, after thorough and adequate study, accurately estimate the importance, scope, and consequences of the changes which would have to be made in internal legislation and the greater or less practicability of those changes.

The committee believes thus that the resolution which it submits, while it may prove productive of very beneficial results, can not be said unduly to compromise the responsibility of the honorable delegates. It has this, furthermore, in its favor, that even in the improbable contingency that one or more of the Governments represented shall fail to adopt the treaties in question, this would not prevent their adoption by the others; so that though it would not then constitute the private international law of all America, it might at least constitute that of a great many of the American nations. And it has this further advantage, beside, that it does not leave the subject to await the assembling of another conference, but leaves it to each Government to announce, in the way specified and independently of the others, its own adoption of the said treaties. The committee thinks, too, that it does not transcend its proper functions in suggesting that the recommendation be made to embrace the treaty concerning judicial procedure, it being a necessary complement of the others and the solemn expression of the form in which are to be made available those lawful actions open to each individual in civil and commercial matters.

With respect to the legalization of documents, the committee believes that the simplest and most philosophical principle is that adopted by the same Congress—to leave the formalities to the law of the country in which the document originates, and require only authentication by the diplomatic or consular agent accredited to the country or place of execution by the Government within whose territory the paper is to have effect.

In view of all of which the committee submits to the Conference the following resolutions:

THE RECOMMENDATIONS AS ADOPTED.

Resolved, That the Governments represented in this Conference, which as yet have not acceded to the treaties of private international law, civil law, commercial law, and law of proceedings adopted at the Congress which met at Montevideo on the 25th of August, 1888, be, and they are hereby, recommended to cause said treaties to be studied, so as to render themselves able, within the year, to be counted from the date of the termination of the labors of this Conference, to declare whether they do or do not accept the said treaties, and whether their acceptance of the same is absolute or qualified by some amendments or restrictions.

Resolved further, That the Governments represented in this Conference be, as they are, recommended to adopt in the matter of legalization of documents the principle that a document is to be considered duly legalized when legalized in accordance with the laws of the country wherein it was made or executed; and authenticated by the diplomatic or consular agent, accredited in the nation or locality where the document is executed, by the Government of the nation in which the document is to be used.

APPENDIX No. 1.

TREATY ON INTERNATIONAL CIVIL LAW.

[As approved by the South American Congress at Montevideo on February 1, 1889.]

TITLE I.—*Of persons.*

ARTICLE 1.

The legal capacity of persons shall be governed by the laws of their domicile.

ARTICLE 2.

Change of domicile shall not disturb the legal capacity acquired by emancipation, majority, or judicial authorization.

ARTICLE 3.

The State as a corporate body is competent to acquire rights and to contract obligations within the territory of another State, subject to the laws of the latter.

ARTICLE 4.

The existence and legal capacity of private corporations shall be governed by the laws of the country granting their charter.

The powers with which they are invested gives them full authority to exercise, out of their place of incorporation, all such acts and rights as are incidental to them.

In the exercise of acts included in the special purpose of their incorporation, however, they shall be subject to the provisions established by the State within whose territory they intend to exercise said acts.

TITLE II.—*Of the domicile.*

ARTICLE 5.

The law of the place of residence of a person shall determine the requirements necessary to constitute a domicile of said residence.

ARTICLE 6.

Parents, guardians, and curators shall be considered as domiciled in the State whose laws govern the discharge of their duties.

ARTICLE 7.

The domicile of persons who labor under legal disabilities shall be that of their legal representatives.

ARTICLE 8.

The domicile of husband and wife shall be that which the couple have adopted, and in default of such adoption, their domicile shall be that of the husband.

The domicile of the wife lawfully separated shall be that of the husband until she shall adopt another.

ARTICLE 9.

Persons without specified domicile shall have the same in their place of residence.

TITLE III.—*Of absence.*

ARTICLE 10.

The legal effects of a judgment of absence, as regards the property of the absentee shall be determined by the law of the place wherein the property is situated.

The other legal relations of the absentee shall continue to be subject to the law which previously governed them.

TITLE IV.—*Of marriage.*

ARTICLE 11.

The capacity of persons to contract marriage, the formalities, the continuance, and the validity thereof shall be governed by the law of place where the contract is entered into.

The contracting States, however, shall not be bound to recognize a marriage celebrated in one of them, should any of the following impediments exist:

(*a*) *Want of age* on the part of the contracting parties, it being required that the man be fully fourteen years and the woman twelve years of age.

(*b*) *Relationship* in direct line by consanguinity or by affinity, either legitimate or illegitimate.

(*c*) *Relationship* between legitimate or illegitimate brothers and sisters.

(*d*) Killing by any one, either as principal or accomplice, of one of the married parties for the purpose of marrying the survivor.

(*e*) Former marriage not lawfully dissolved.

ARTICLE 12.

The rights and duties of married parties in everything concerning their personal relations shall be governed by the laws of the matrimonial domicile.

Should the married parties change their domicile, the said rights and duties shall be governed by the law of their new domicile.

ARTICLE 13.

The law of the matrimonial domicile shall govern: (*a*) Legal separation of the parties. (*b*) Dissolution of the marriage tie; provided that the grounds alleged be sufficient under the law of the place where the marriage took place.

TITLE V.—*Of the paternal power.*

ARTICLE 14.

The paternal power in so far as it refers to personal rights and duties shall be governed by the law of the place where it is exercised.

ARTICLE 15.

Rights acquired by virtue of the paternal power by fathers over their children's property, as well as the alienation thereof and other acts affecting it, shall be governed by the law of the State wherein the said property is located.

TITLE VI.—*Of filiation.*

ARTICLE 16.

The law governing the marriage contract shall determine the legitimate filiation and the legitimation by subsequent marriage.

ARTICLE 17.

Questions concerning the legitimacy of the filiation which do not refer to the validity or nullity of the marriage shall be governed by the law of the conjugal domicile at the time of the child's birth.

ARTICLE 18.

The rights and duties incident to illegitimate filiation shall be governed by the law of the State wherein they must be exercised.

TITLE VII.—*Of guardianship and curatorship.*

ARTICLE 19.

The appointment to a guardianship and curatorship shall be governed by the law of the place of domicile of the persons who are legally incompetent.

ARTICLE 20.

A person appointed as guardian or curator in one of the contracting States shall be recognized as such in all the others.

ARTICLE 21.

Guardianship and curatorship shall be governed by the law of the place of appointment, as regards the rights and duties incident to the office.

ARTICLE 22.

The authority of guardians and curators over the property of persons legally incompetent, located elsewhere than their place of domicile, shall be exercised according to the law of the place where said property is located.

ARTICLE 23.

Legal hypothecation that may be allowed by law to persons legally incompetent shall have effect only when the law of the State where in the duties of guardian or curator are discharged is in accord with the law of that State wherein the property affected is located.

TITLE VIII.—*Provisions applicable to Titles IV, V, and VII.*

ARTICLE 24.

Pressing measures concerning the personal relations between husband and wife, the exercise of paternal powers, and guardianship and curatorship, shall be governed by the law of the place of residence of the married parties, parents, and guardians and curators.

ARTICLE 25.

The remuneration allowed by law to fathers, guardians, and curators, and the conditions thereof, shall be governed and determined by the law of the State of appointment.

TITLE IX.—*Of property.*

ARTICLE 26.

Property of whatever nature shall be exclusively governed by the law of the place of location in so far as regards its nature, possession, absolute or relative alienability, and generally in respect of all the legal incidents of its character as a thing (as distinguished from a person).

ARTICLE 27.

Vessels in non-territorial waters shall be considered as situated at the place of register.

ARTICLE 28.

The cargo of vessels in non-territorial waters shall be considered as being at the port of destination of the goods.

ARTICLE 29.

For jurisdictional purposes creditors' claims shall be considered as having their *locus* in the place where the contract must be executed.

ARTICLE 30.

The removal of personal property shall not affect the rights acquired according to the law of the place where it existed at the time of their acquisition.

The parties interested are obliged, however, to comply with all the requirements, both of substance and form, required by the law of the place whence taken, to acquire or preserve the said rights.

ARTICLE 31.

The rights acquired by third parties over the same property according to the law of the place whence removed after the removal and before complying with the said requirements, shall take precedence of the rights of the party having first acquired.

TITLE X.—*Of legal acts.*

ARTICLE 32.

The law of the place where contracts are to be executed shall determine whether they should be in writing and the character of the proper document.

ARTICLE 33.

The same law shall govern: (*a*) Their duration; (*b*) their nature; (*c*) their validity; (*d*) their objects; (*e*) their consequences; (*f*) their performance; (*g*) and finally everything relating to contracts in any respect whatsoever.

ARTICLE 34.

Consequently, contracts made concerning things certain and definite shall be governed by the law of the place of their location at the time of execution.

Those concerning things determined by their nature shall be governed by the law of the place of domicile of the debtor at the time of execution.

Those relating to things fungible shall be governed by the law of the domicile of the debtor at the time of their execution.

Those providing for the rendering of personal service: (*a*) If they relate to things, shall be governed by the law of the place where these existed at the time of execution. (*b*) If to services that are to be rendered in any specified place, they shall be governed by the law of the place where they are to be rendered, (*c*) In all other cases not herein specified, they shall be governed by the law of the place of domicile of the debtor at the time of execution.

ARTICLE 35.

A contract for barter or exchange of things located in different places under conflicting laws shall be governed by the law of the domicile of the contracting parties, if it be the same, at the time of the barter or exchange, or by the law of the place where the barter or exchange took place, if the domicile be separate.

ARTICLE 36.

Subsidiary contracts shall be subject to the law governing the principal obligation to which they refer.

ARTICLE 37.

The execution of the contract entered into through correspondence or by proxy shall be governed by the law of the place where the offer originated.

ARTICLE 38.

Obligations not arising out of contract shall be governed by the law of the place where the act, legal or illegal, whence they originated was performed.

ARTICLE 39.

The form of public documents shall be governed by the law of the place where they are executed.

Private documents shall be governed by the law of the place of performance of the contract in question.

TITLE XI.—*Of marriage settlements.*

ARTICLE 40.

Marriage settlements shall govern the relation between husband and wife respecting the property they had at the time of making the contract and that which is afterwards acquired in everything that is not prohibited by the law of the place of its location.

ARTICLE 41.

In the absence of special stipulations and as to all matters not provided for therein if any there be, and as to everything not prohibited by the law of the place where the property is located, the relations of the parties married to said property shall be governed by the law of the conjugal domicile that may have been selected, by mutual agreement, prior to entering into the marriage.

ARTICLE 42.

If no conjugal domicile shall have been selected beforehand, the aforesaid relations shall be governed by the law of the husband's domicile at the time the marriage is entered into.

ARTICLE 43.

A change of domicile does not affect the relations of husband and wife to the property, be it acquired before or after the change.

TITLE XII.—*Of estates.*

ARTICLE 44.

The form of a will shall be governed by the law of the place of location of the inheritable property at the time of the death of the decedent.

Nevertheless, a will registered in due form in any one of the contracting States shall be deemed valid in each of the others.

ARTICLE 45.

The *lex loci* shall govern: (*a*) Testamentary capacity; (*b*) that of an heir or legatee to inherit; (*c*) the validity and effects of the will; (*d*) the inheritable titles and rights of relatives and the survivor of the marriage bond; (*e*) as to whether any portion of an estate must, under the law, go to the heirs, and if so, the proportion thereof; (*f*) as to whether any, and if so, what portion, of the estate may be reserved; (*g*) finally, everything relating to legal or testamentary succession.

ARTICLE 46.

Debts payable in one of the contracting States shall be first liens upon the assets therein situated at the time of the death of the decedent.

ARTICLE 47.

Should said assets be insufficient for the liquidation of the aforesaid debts, the creditors shall share *pro rata* in the assets located in other places, without prejudice to the preferred right of local creditors.

ARTICLE 48.

When the debts must be liquidated in any locality where the decedent has left no assets the creditors shall exact *pro rata* payment from the assets located elsewhere, subject, however, to the same limitation established in the preceding article.

ARTICLE 49.

Bequests couched in generic terms and not designating the locality of satisfaction or payment shall be governed by the law of the place of domicile of the testator at the time of his death; they shall be realized from the property that he may have left in said domicile, and in default thereof, or its insufficiency, they shall be satisfied or paid *pro rata* out of all the other property of the decedent.

ARTICLE 50.

The duty of accounting shall be subject to the law governing the estate respecting which it is demanded.

Should the accounting concern real or personal property (other than money) it shall be limited to the estate of which said property is a part.

When it is with respect to a sum of money the amount shall be apportioned among the several estates in which the accounting heir is interested, in proportion to his share in each.

TITLE XIII.—*Of limitations.*

ARTICLE 51.

Absolute limitation of personal actions shall be governed by the law to which the obligations involved are subject.

ARTICLE 52.

Absolute limitations of real actions shall be governed by the law of the locality of the property subject to the lien.

ARTICLE 53.

If the property upon which the lien rests be movable and shall have changed location, the limitation shall be subject to the law of the locality in which the period of prescription shall have expired.

ARTICLE 54.

Prescriptions by the running of which title is acquired to movable and immovable property shall be subject to the law of the location of said property.

ARTICLE 55.

If the property be movable and shall have changed location, the limitation shall be subject to the law of the locality in which the period of prescription shall have expired.

TITLE XIV.—*Of jurisdiction.*

ARTICLE 56.

Personal actions should be brought before the courts of the locality by whose law the legal act, subject-matter of the proceedings, is governed.

They may also be brought before the courts of the defendant's domicile.

ARTICLE 57.

Petitions for judgments of absence should be addressed to the court of the alleged absentee's last domicile.

ARTICLE 58.

Proceedings respecting the capacity or incapacity of persons to exercise their civil rights should be conducted before the court of his domicile.

ARTICLE 59.

Actions, founded on the exercise of the paternal authority, and on that of guardians or curators over minors and persons suffering under disability and of the latter against the former, shall be heard in every thing affecting them personally before the courts of the country where the parents, guardians, or curators are domiciled.

ARTICLE 60.

Actions touching the property, its alienation or actions affecting the property of persons suffering under disability, should be heard before the courts of the place where the property is located.

ARTICLE 61.

The courts of the place of appointment of guardians or curators are competent to take cognizance of accountings by said guardians or curators.

ARTICLE 62.

Proceedings for nullity of marriage, limited and absolute divorce, and in general all questions affecting the personal relations of husband and wife, shall be instituted before the courts of the martial domicile.

ARTICLE 63.

All questions arising between husband and wife concerning alienation, or any other acts affecting the matrimonial possessions, the courts of the place where the property is located shall be competent to determine.

ARTICLE 64.

The courts of the place of residence of the parties shall be competent to take cognizance of the provisions of article 24.

ARTICLE 65.

Proceedings concerning the existence and dissolution of a partnership should be brought before the courts of the place of its domicile.

ARTICLE 66.

Trials originating in an inheritance consequent upon death shall be brought before the courts of the place where the inheritable property is located.

ARTICLE 67.

Realty actions, and those known as mixed actions, should be instituted before the courts of the locality where the thing at issue is situated.

Should said actions cover things located in different places, the proceedings should be brought before the courts of the place where each may be located.

TITLE XV.—*General provisions.*

ARTICLE 68.

It is not indispensable to the enforcement of this treaty that it be ratified simultaneously by all the contracting nations. The nations approving it will communicate such approval to the Governments of the Argentine Republic and of the Republic of Uruguay, that they may notify the other contracting nations. This procedure shall take the place of diplomatic exchange.

ARTICLE 69.

The exchange once made in the form prescribed in the preceding article, this treaty shall remain in force, counting from such ratification, for an indefinite period.

ARTICLE 70.

Should any one of the contracting nations see fit to withdraw from this treaty or to introduce amendments therein, it shall notify the others; but said withdrawal shall not take effect until two years after notice thereof, a period within which efforts shall be made to arrive at a new agreement.

ARTICLE 71.

The provisions of article 68 are extended so as to include those nations, which, not having representation in this Congress, may wish to accept the present treaty.

In witness whereof the Plenipotentiaries of the aforesaid nations sign and seal five copies hereof, at Montevideo, this —— day of the month of ——, of the year one thousand eight hundred and eighty-nine.

APPENDIX 2.

TREATY ON INTERNATIONAL COMMERCIAL LAW.

As approved by the South American Congress at Montevideo on February 4, 1889.

TITLE I.—*Of commercial acts and merchants.*

ARTICLE 1.

All lawful acts shall be considered as either civil or commercial according to the law of the country where they are performed.

ARTICLE 2.

What shall constitute parties merchants shall be determined according to the law of the country where their business is located.

ARTICLE 3.

Merchants and commercial Clerks shall be subject to the commercial laws of the country wherein they ply their vocation.

TITLE II.—*Of partnerships.*

ARTICLE 4.

Partnership contracts shall be subject as regards form and the legal relations between partners, and between the partnership and third parties, to the law of the country where the partnership has its business domicile.

ARTICLE 5.

Partnerships or associations having the character of a legal person shall be subject to the laws of the country where they are domiciled; they shall be recognized of right as such in the States, and empowered to exercise their civil rights therein and plead and be impleaded before the courts.

But in the exercise of functions incident to the purposes of the association they shall be subject to the provisions of the law in force in the State wherein they propose to carry them into effect.

ARTICLE 6.

Branch offices or agencies established in one State by a partnership having its domicile in another, shall be considered as domiciled in the place wherein their business is conducted, and be subject to the jurisdiction of the local authorities in everything concerning their business operations.

ARTICLE 7.

The courts of the country wherein the partnership has its legal domicile shall take cognizance of litigation arising between the partners or that may be brought by third parties against the partnership.

However, if a partnership domiciled in one State carry on operations in another, which operations should give rise to litigation, this may be initiated before the courts of the latter State.

TITLE III.—*Of land, maritime, and life insurance.*

Insurance contracts on land and on river or inland water transportation shall be subject to the law of the country wherein the property insured is situated at the time of the execution of the contract.

ARTICLE 9.

Maritime and life insurance shall be subject to the laws of the country where the insurance company, its branch offices or agencies are domiciled, as provided in article 6.

ARTICLE 10.

The courts of the country where the insurance companies have their legal domicile shall take cognizance of all causes instituted against said companies.

If said companies have branch offices in other States the provisions of article 6 shall govern in the premises.

TITLE IV.—*Of collisions, foulings, and shipwrecks.*

ARTICLE 11.

Collisions and foulings of vessels shall be subject to the law of the country within whose waters they happen, and they shall be subject to the jurisdiction of the courts of the same.

ARTICLE 12.

In case of collisions or foulings in non-jurisdictional waters the law of the country of register shall govern.

In case the vessels should be registered in different nations, the law of the country most favorable to the respondent shall prevail.

In the case set forth in the foregoing section the jurisdiction in the premises shall belong to the courts of the country first reached.

Should the vessels arrive at ports situated in different countries, the jurisdiction of the authorities first taking cognizance of the matter shall prevail.

ARTICLE 13.

In cases of shipwreck the authorities of the territorial waters in which the accident takes place shall have jurisdiction.

Should the shipwreck occur in non-jurisdictional waters, jurisdiction shall be assumed either by the courts of the country whose flag the vessel carries, or those of the respondent's domicile at the time of the institution of proceedings, at the election of the libellant.

TITLE V.—*Of chartering.*

ARTICLE 14.

Chartering contracts shall be subject to and governed by the laws and courts of the country where the shipping agency with which the chartering party has contracted is located. If the object of the chartering contract be the transportation of merchandise or passengers between ports of one state it shall be governed by the laws of the same.

ARTICLE 15.

If there be no shipping agency established at the institution of proceedings the chartering party shall bring his action before the courts of the domicile of any of the parties interested in or representing the said agency.

If the shipping agency be the plaintiff it may institute proceedings before the courts of the state where the chartering party is domiciled.

TITLE VI.—*Of bottomry bonds.*

ARTICLE 16.

The contract of loans on bottomry bonds shall be governed by the law of the country where the loan is made.

ARTICLE 17.

The amounts raised on bottomry bonds, for the necessities of the last voyage, shall have preference in the order of payment over debts contracted for the construction or purchase of the vessel and money raised on said bottomry in a previous voyage.

Loans made during the voyage shall have preference over those made before the sailing of the vessel; and if there should be many during the course of the voyage the preference shall be established in the inverse order of dates, that which follows having prefence over that which precedes.

Loans made at ports entered in distress and during the stay therein shall be added together and paid *pro rata.*

ARTICLE 18.

Questions arising between the creditor and debtor shall be subject to the jurisdiction of the courts of the locality where the property upon which the loan has been made is situated.

In case the lender should be unable to make good the amount loaned out of the property subject to the payment, he may bring his action before the courts of the place where the contract was executed, or those of the debtor's domicile.

TITLE VII.—*Of seamen.*

ARTICLE 19.

Shipping articles shall be subject to the law of the country where the contract is executed.

ARTICLE 20.

All matters touching the government of the vessel and the obligations of officers and seamen shall be subject to the laws of the country of register.

TITLE VIII.—*Of damages.*

ARTICLE 21.

General or ordinary damages shall be subject to the law of the country of register of the vessel wherein they occurred.

Notwithstanding the provisions of the foregoing section, if these damages have been sustained in the jurisdictional waters of any one state they shall be subject to the laws thereof.

ARTICLE 22.

Particular damages shall be subject to the law regulating the freightage contract of the merchandise damaged.

ARTICLE 23.

The courts of the ports of destination of the voyage shall take cognizance of actions for ordinary damages.

ARTICLE 24.

Actions for particular damages shall be brought before the courts of the country where the cargo is delivered.

ARTICLE 25.

If the voyage be abandoned before the sailing of the vessel, or, if after sailing it should be necessary to return to the port of loading, the courts of the country wherein said port is situated shall take cognizance of actions for damages.

TITLE IX.—*Of bills of exchange.*

ARTICLE 26.

The form of drawing, endorsing, accepting, and protesting of a bill of exchange shall be governed by the law of the localities where such acts are respectively executed.

ARTICLE 27.

The legal relations between the drawer and payee of a bill of exchange, resulting from the drawing thereof, shall be governed by the law of locality where the bill is drawn; those resulting between the drawer and the drawee shall be subject to the law of the domicile of the latter.

ARTICLE 28.

The obligations of the accepter with respect to the holder, and the pleas which he may set up, shall be regulated by the law of the place of acceptance.

ARTICLE 29.

The legal effects produced on the endorser and endorsee by the act of endorsement are governed by the law of the place of negotiation or endorsement.

ARTICLE 30.

The greater or less extent of the obligations of the respective endorsers shall in no wise impair the rights primarily acquired by the drawer and accepter.

ARTICLE 31.

The warranty bond (*aval*) shall be subject to the law applicable to the obligation guarantied.

ARTICLE 32.

The legal effects of acceptance by intervention shall be governed by the law of the locality where the third party intervened.

ARTICLE 33.

The provisions of this title shall govern, in so far as they shall be applicable, commercial drafts, bills, and notes

ARTICLE 34.

Questions arising between parties intervening in the negotiation of a bill of exchange shall be determined before the courts of the respondent's domicile at the date of the incurring of the obligation, or at the time of the bringing of the action.

TITLE X.—*Of bankruptcies.*

ARTICLE 35.

The courts of the domicile of a bankrupt shall take cognizance of suits in bankruptcy, even though the party adjudged bankrupt shall incidentally carry on business in another nation, or maintain there agencies or branch offices which do business on the account and on the responsibility of the principal house.

ARTICLE 36.

If the bankrupt shall have two or more independent business houses in different jurisdictions, the courts of the localities where the said houses are situated shall be competent to assume jurisdiction over the bankruptcy of each of them.

ARTICLE 37.

The bankruptcy having been adjudged in one country, in the event stated in the foregoing article, the precautionary measures taken in the case shall be made effective on the property of the bankrupt in other States, if any, without prejudice to the rights granted to local creditors by the following articles.

ARTICLE 38.

The precautionary measures once taken by means of letters rogatory, the judge to whom the letters are addressed shall publish, for the period of sixty days, advertisements in which he shall set forth the adjudication in bankruptcy and the precautionary measures that have been taken.

ARTICLE 39.

The local creditors may, within the time designated in the foregoing article, counted from the day following the first publication of the advertisement, institute new proceedings in bankruptcy against the bankrupt in another State, or institute against him such civil actions as may be proper under the law. In such case the several proceedings in bankruptcy shall follow independently, and each case shall be subject, respectively, to the laws of the country in which it is instituted.

ARTICLE 40.

Local creditors who have the right to be represented at the proceedings in a country shall be understood to mean those whose debts should be satisfied in said country.

ARTICLE 41.

In case there shall be several proceedings in bankruptcy instituted under the provisions of this title, the money balance which may result in favor of the bankrupt in one State shall be placed at the disposal of the creditors of the other; to this end the courts of each State shall take cognizance thereof.

ARTICLE 42.

In case one sale proceeding in bankruptcy is had according to the provisions of article 35, or because the local creditors have not exercised the rights granted them by article 39, all the creditors of the bankrupt shall present their claims and demand their rights before the judge or court which has made the adjudication in bankruptcy.

ARTICLE 43.

Even in the case of only one proceeding in bankruptcy the mortgagee creditors secured before the adjudication in bankruptcy may exercise their rights before the courts of the country in which the property mortgaged or pawned is situated.

ARTICLE 44.

The preference of local credits in the country where the bankruptcy occurred, and which were acquired previous to the adjudication in bankruptcy, shall be respected even in case the property subject to the said preference shall be transferred to another jurisdiction and there exist therein, against the said bankrupt, adjudications in bankruptcy.

ARTICLE 45.

The authority of the trustees or legal representatives of the creditors shall be recognized in all the States, if they be so recognized by the law of the country within whose jurisdiction the proceedings by the creditors they represent were instituted; they being authorized to exercise in all places the authority granted them by said law and this treaty.

ARTICLE 46.

In case several proceedings in bankruptcy have been instituted, the court in whose jurisdiction the bankrupt resides shall be competent to adjudge all measures of a civil character affecting him personally.

ARTICLE 47.

The discharge of the bankrupt shall take effect only when it shall have been granted in all the proceedings instituted against him.

ARTICLE 48.

The provisions of this treaty respecting proceedings in bankruptcy shall apply to joint stock companies whatever the form for liquidation that may be established for said companies by the contracting States in the case of suspension of payments.

TITLE XI.—*General provisions.*

ARTICLE 49.

It is not indispensable to the enforcement of this treaty that it be simultaneously ratified by all the nations signing. The nations approving it will communicate such approval to the Governments of the Argentine Republic and of Uruguay, that they may notify the other contracting nations. This procedure shall take the place of formal diplomatic exchange.

ARTICLE 50.

The exchange once made in the manner provided in the preceding article, this treaty shall remain in force, counting from such ratification, for an indefinite period.

ARTICLE 51.

Should any of the contracting nations see fit to withdraw from the treaty or to introduce amendments therein, it shall notify the others; but said withdrawal shall not take effect until two years after notice thereof, a period within which efforts shall be made to arrive at a new agreement.

ARTICLE 52.

The provisions of article 49 are extended so as to include those nations which, not having representation in this Congress, may wish to accept the present treaty.

APPENDIX No. 3.

TREATY OF THE LAW OF PROCEEDINGS.

[As approved by the South American Congress, at Montevideo, on January 4, 1889.]

ARTICLE 2.

Evidence shall be admitted and weighed according to the law governing the subject-matter of the legal proceedings, excepting, however, that class of evidence which, because of its nature, is inadmissible by the law of the place of trial.

TITLE II.—*Of legalisation.*

ARTICLE 3.

Judgments or homologated awards rendered in matters civil and commercial, registered instruments, and other authentic documents issued by the officials of one State, and letters requisitorial and rogatory shall have full effect in the other contracting nations, according to the stipulations of this treaty, whenever they shall be duly certified.

ARTICLE 4.

The certification shall be considered to be in due form whenever it conforms to the law of the country of issue, and is authenticated by the diplomatic or consular agent, who in said country or locality shall be accredited by the government of the State within whose territory it is to be used.

TITLE III.—*Of the execution of requisitions, judgments, and awards.*

ARTICLE 5.

Judgments and the awards of arbitrators rendered in matters civil and commercial in one of the contracting States shall have, within the territory of the other States, the same force and effect as in the country rendering them, provided they comply with the following requirements:

(*a*) The judgment or award must be pronounced by a competent tribunal exercising international functions.

(*b*) It must have the character of a final judgment in the State wherein it was rendered.

(*c*) That the party against whom it is rendered shall have been legally summoned and appeared, or adjudged in default, according to the law of the country where the proceedings are had.

(*d*) It must not be in opposition to the police regulations of the country where executed.

ARTICLE 6.

The documents necessary to the execution of judgments or award of arbitrators are the following:

(*a*) A full copy of the judgment or award.

(*b*) A copy of the papers showing that the parties have been summoned.

(*c*) An authentic copy of the decree showing that the judgment or award is in the nature of a final judgment and of the laws upon which said decree is founded.

ARTICLE 7.

The rules governing the execution of judgments or award, and the proceedings occasioned by such execution, shall be those prescribed by the law of procedure of the State where it is demanded.

ARTICLE 8.

Proceedings not in the nature of contested litigation, such as inventories, the opening of wills, valuations or other like acts, had in one State, shall have the same effect in the other States as if they had been had in their own jurisdiction, provided they comply with the requirements prescribed in the preceding articles.

ARTICLE 9.

Requisitions and letters rogatory requesting the issuing of notice, the taking of depositions, or the performing of any other judicial functions, shall be executed in the contracting States, provided said requisitions or letters rogatory comply with the conditions established in this treaty.

ARTICLE 10.

When the requisitions or letters rogatory relate to attachments, appraisements, inventories, or to any other preventive measures, the judge addressed shall order all the necessary steps regarding the appointment of experts, appraisers, receivers, and, in general, everything that may lead to the full execution of such letters or requisitions.

ARTICLE 11.

Requisitions and letters rogatory shall be issued in accordance with the laws of the country issuing the same.

ARTICLE 12.

Parties interested in the execution or requisitions or letters rogatory may appoint attorneys in fact, the expense occasioned by said attorneys and the writs being borne by said parties.

TITLE IV.—*General provisions.*

ARTICLE 13.

It is not indispensable to the enforcement of this treaty that it be simultaneously ratified by all the contracting nations. The nations approving it will communicate such approval to the Governments of the Argentine Republic and of the Republic of Uruguay that they may notify the other contracting nations. This procedure shall take the place of diplomatic exchange.

ARTICLE 14.

The exchange once made in the manner provided in the preceding article, this treaty shall remain in force counting from such ratification for an indefinite time.

ARTICLE 15.

Should any one of the contracting nations see fit to withdraw from this treaty or to introduce amendments therein, it shall notify the others; but said withdrawal shall not take effect until two years after notice thereof, a period within which efforts shall be made to reach a new agreement.

ARTICLE 16.

The provisions of article 13 are extended so as to those nations which, not having representation in this Congress, may wish to accept the present treaty.

In witness whereof the plenipotentiaries of the aforesaid nations sign and seal —— copies hereof at Montevideo this —— day of the month of January of the year one thousand and eight hundred and eighty-nine.

ADDITIONAL PROTOCOL.

The plenipotentiaries of the Governments of ——, convinced of the advisability of establishing general rules for the enforcement of the laws of any of the contracting States in the jurisdictions of the others, in the cases determined by the treaties concluded on the several matters of private international law, have agreed as follows:

ARTICLE 1.

The laws of the contracting States shall be enforced in the cases that may arise, be the parties interested in the matter under consideration either native or foreign.

ARTICLE 2.

The enforcement thereof shall be made by the judge sitting in the case on his own motion, without prejudice to the parties alleging and proving the existence and provisions of the law cited.

ARTICLE 3.

All remedies allowed by the code of procedure of the place of judgment for cases decided under its own laws shall also be allowed for those cases decided under the laws of any of the other States.

ARTICLE 4.

The laws of the other States shall never be enforced as against the political institutions, police regulations, or customs of the place where the case is tried.

ARTICLE 5.

In conformity with the provisions of this protocol, the Governments bind themselves to transmit to each other two authentic copies of the laws now in force, and which may be passed in the future in their respective countries.

ARTICLE 6.

The Governments of the signing States shall declare, upon approving the treaties concluded, whether they accept the adherence of the nations not invited to Congress, in the same manner as that of those, who having concurred in the purpose of the Congress, have not taken part in its deliberations.

ARTICLE 7.

The provisions of the foreging articles shall be considered as an integral part of the treaties to which they refer, and their duration shall be the same as that of said treaties.

II.

CLAIMS AND DIPLOMATIC INTERVENTION.

One of the honorable delegates for the Republic of Venezuela has presented two resolutions setting forth different declarations respecting certain cases in which claims against the Government of a country by foreigners residing therein should be considered as inadmissible. In case the aforesaid declarations should be considered in the form in which they have been presented, the committee charged with the preparation of a report thereon would submit to the consideration of their author, and to the decision of the Conference, some additions and amendments which, to its mind, it would be necessary to insert. It does not do so, however, because it believes that instead of entering into special matters of detail, what should be done is to discover and determine the true principle which should legally govern in the premises, and to recommend its adoption as the only key to a full and perfect solution of all the questions which may arise in this behalf.

The committee well understands that in those times, when the idea was still dominant that the foreigner was an enemy against whom was enforced (according to the provisions of the Roman public law) continuous authority, certain doctrines should be established to protect him from the consequences of that feeling of manifest hostility. It can well understand that when the exercise of civil rights was limited to natives it should be necessary to introduce principles and proceedings by means of which the foreigner might be afforded some defense in the precarious position in which the then generally prevailing ideas placed him; and it can understand, in fine, that when intercourse between countries was less frequent, when civilization in America was but little advanced, and a spirit of isolation, a feeling of distrust, and a sentiment of egotism dominated, all of which is contrary to the equal enjoyment of the guaranties and benefits of the law, the foreigner should be forced to remain with his gaze fixed upon the National Government so as to neutralize the effects of the aversion and repugnance with which he was received. But it can not, by any means, understand (theories and sentiments, circumstances and principles of legislation respecting the rights of the foreigner having changed in every particular) that principles should have any weight which can only serve to create distrust, to foment estrangement, to prevent assimilation, and to protect the schemes of worthless people—a protection which is nearly always asked with the sole object of profiting thereby—and which keeps the Governments in a constant state of excitement which may occasion disagreeable incidents of even graver consequences.

The committee gladly recognizes that the Christian, liberal, and humane principle is, that the foreigner should not be inferior to the native in the exercise and enjoyment of all and each of the civil rights, but it can not understand that the foreigner should enjoy considerations, prerogatives, or privileges denied to the native. It repels openly any restriction which places the foreigner in a condition inferior to that vouchsafed by the law to the native, but it likewise repels the pretension that the foreigner should be superior to the native; that he should be a perpetual menace to the territory whose protection he seeks and

* NOTE.—Reports II and III were adopted by a majority of the Conference, the delegates from the United States voting in the negative.

whose advantages he enjoys; that recourse to a foreign sovereignty which makes itself felt in an independent country should serve as a means of self-advancement whenever improper demands are not satisfied.

Nowadays, when our people receive the foreigner with open arms; to-day, when they deny him no right and recognize that an intelligent, hard-working, and honorable immigration is the most potent element of civilization and greatness of prosperity and advancement; to-day, when we are far removed from barbarous times, and the foreigner is not the enemy but the brother to whom are opened wide the doors of the most generous hospitality, those doctrines founded upon bases wholly inadmissible are a veritable and shameful anachronism.

None of the advancements of modern civilization is unknown to the republics of America. Granting the foreigner the same rights, neither less nor more, that the native enjoys, they do all they can and should do. And if these rights are not enough, and if they are not found to be sufficiently guarantied and to be placed beyond the pale of abuse; if there is danger that abuse will some time be committed, as there is danger of earthquakes, of floods, of epidemics, of revolutions, and of other misfortunes, the foreigner should have considered it all before deciding to live in a country where he may run such risks. And on the other hand, supposing that some abuse is committed, that abuse is not without penalty and correction, as that committed against the native is not left remediless; and, moreover, it has attached to it other penalties more efficacious, that of moral reprobation, the judgement formed by other nations, the separation of all those who under other conditions would assist in making its elements of production fruitful, and, in consequence, isolation, poverty, and universal condemnation.

A nation does not with impunity deviate from the line of duty marked out by ethics, law, and civilization; and between the harm which may occasionally result from such deviation and the greater and innumerable harms caused by the other practice, the committee does not hesitate to choose. If it is wrong to once in awhile commit abuses against the native or the foreigner, worse a thousand times is the example of scandalous claims concocted and sustained by the malignity and the ingratitude of a pernicious man, and, the solution of which is made to depend on the judgment or the will of the stronger. For, as a final result, there is nothing but the uncalled-for intervention of the stronger, which, constituted into an impassioned defender of its citizens, imposes its will and ideas as law, and compels the weaker to do his bidding. And this unwarranted verging upon the sovereignty of the others, and this stimulant to a sentiment of native aversion, undoubtedly produces far more lamentable consequences.

The foreigner, with all the rights of the native, with no right less, yet with no right more, is the principle which, to the mind of the committee, is the base upon which every theory in the premises should rest—the starting point for practical conclusions in so interesting a matter. If the Government is responsible to its citizens for infractions of the Constitution or the laws, committed by agents of the public authority in the discharge of their duties, it will be equally responsible to foreigners, and *vice versa*.

If the Government is not responsible to its citizens for damages caused by insurgents or rebels, neither will it be responsible to foreigners, and *vice versa*. If the natives have any protection against the decisions and procedure of the courts, the same right shall be granted foreigners. In a word, in everything touching the exercise of civil

rights, natives and foreigners shall be on a perfectly equal footing—equal rights, equal obligations, equal access to the authorities, equal procedure, equal appeals; but in no case shall the foreigner be superior—an exasperating condition which may establish an indefensible and inexplicable duality of sovereignties and authorities. The foreigner should not appear like a spoiled child, always encircled by the arms of the Government of his nationality to prevent him from stumbling and injuring himself. He should himself judge and decide where it is advisable for him to go and where not, and try to live peaceably under the shelter of the laws of the country he may select as a place of residence, and the protection of civilization and morality. To enjoy all the privileges and all the considerations of natives, to be treated like them, is all to which the foreigner can aspire; and this is what is gladly conceded him.

As a result of these reflections, the committee propose the following resolutions, to wit:

RECOMMENDATIONS AS ADOPTED.*

The International American Conference recommends to the Governments of the countries therein represented the adoption as principles of American international law, of the following:

(1) Foreigners are entitled to enjoy all the civil rights enjoyed by natives; and they shall be accorded all the benefits of said rights in all that is essential as well as in the form or procedure, and the legal remedies incident thereto, absolutely in like manner as said natives.

(2) A nation has not, nor recognizes in favor of foreigners, any other obligations or responsibilities than those which in favor of the natives are established, in like cases, by the constitution and the laws.

III.

ON THE NAVIGATION OF RIVERS.

Some of the honorable delegates have proposed that the Conference make a recommendation to the several nations therein represented, to adopt the principle that the navigation of rivers be free to all the nations whose territories their waters bathe, and that the sovereign States bordering on the headwaters of such rivers shall have free passage to the sea by means thereof.

The first point that has presented itself for the examination of the committee to whom the proposition alluded to was referred, is whether it is within the province of this Conference to entertain matters which, like that mentioned, belong to public international law. The committee has no doubts upon the point; it believes that although it might be inopportune to enter indiscriminately upon all the subjects of the public law of nations, the right of this Conference to consider and discuss them and to decide upon the recommendation which it considers should be made, can not be gainsaid. Without going outside of the terms of the act of the Congress of the United States which authorized the calling together of this Conference, it may be plainly demonstrated that subjects like that under consideration are in no wise beyond its compe-

* See minority report of the delegates from the United States to follow:

petency. The second section of the act to which the committee has just made reference, provides that the President of the United States, in forwarding the invitations to the several Governments of America, should set forth that the Conference is called to consider:

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American States.

* * * * * * *

And—

Eighth. To consider such other subjects relating to the welfare of the several States represented as may be presented by any of said States which are hereby invited to participate in said conference.

Any subject, then, which by any delegate may be submitted to the decision of the Conference, if it relates to the welfare of the nations therein represented, is fully within the programme of subjects which is the object of its deliberations. And if we consider, moreover, the character with which the majority of the delegates to this Conference are invested, there can not be the shadow of a doubt of their ample faculty to bring into the field of discussion subjects of this nature.

After this explanation it behooves the committee to state that, in its judgment, no difficulty presents itself to its making a recommendation in the sense proposed by the signers of the resolution.

This free navigation appears to be a natural right; it is recognized by writers on international law of the highest repute in Europe as well as in the United States and Spanish America; and it accords with what is established in the decisions of noted European congresses and in the articles of different treaties touching the navigation of important rivers. This is the principle also which the Government of the United States has vigorously and victoriously sustained on more than one occasion; and, finally, the principle is in keeping with the fraternal relations which should exist between the several American nations that will not deny to their neighbors that which will benefit them and which is even indispensable, and does not cause any injury or harm.

For these reasons, which have been fully set forth in the report of one of the delegates who presented the resolution, and which reasons the committee does not here reproduce, because they are so well known to all, it proposes the following conclusion:

Whereas it is an admitted principle of international law, founded on reasons of justice and equity, and which the general advantage demands, that the navigation of rivers shall be free to all nations whose territories border on them, and for those nations which have no other means of reaching the sea the International American Conference

RECOMMENDATIONS AS ADOPTED.*

Resolves to recommend to the several Governments of the nations represented in this Conference to adopt, declare, and recognize the following principles:

(1) That rivers which separate several States, or which bathe their territory, shall be open to the free navigation of the merchant marine or ships of war of the riparian nations.

(2) That this declaration shall not affect the jurisdiction nor the sovereignty of any of the riparian nations either in time of peace or war.

* See minority report of delegate from the United States, to follow.

IV.

MINORITY REPORT ON CLAIMS AND DIPLOMATIC INTERVENTION FROM THE DELEGATE FROM THE UNITED STATES.

I can not concur in the majority report for the following reasons:

I object to the term "American International Law." There can no more be an American international law than there can be an English, a German, or a Prussian international law. International law has an old and settled meaning. It is the common law of the civilized world, and was in active recognized and continuous force long before any of the now established American nations had an independent existence. We accepted it as one of the conditions of our recognition, and we have no right to alter it without the consent of the nations who really founded it and who are and must be to-day, notwithstanding our increasing power and consequence, large and equal factors in its maintenance.

I of course recognize the right of any one nation or combination of nations to suggest such amendments and improvements as the progress of civilization renders advisable; but to make such changes a part of international law requires the consent of the civilized world.

Nor do I deny the right of any two or more nations to adjust their general political relations according to principles of which they approve, but this obligation is simply a treaty obligation, is confined in its action to the contracting parties, and can not exempt them or either of them from the larger and older obligations of international law, should they ever conflict.

Even the four points of the Congress of Paris, which were adopted by all the great powers of Europe, do not claim to be international law and are admitted to be binding only upon and between those nations who were signatories of the treaty.

In the contention over the Alabama claims England and the United States did agree that the decision should be governed by the application of certain principles which it was admitted were not principles of existing international law, but to be accepted *quoad hoc* as the rule of judgment in the special case.

And it is very noticeable that notwithstanding the declaration of such intent, no effort has been made in either case to widen these special transactions into alteration or amendment of international law. I assume, therefore, that the object of this reference is not to establish an American international law, in contrast or conflict with an European international law, but to suggest certain modifications as desirable, and to agree that, pending their incorporation into the international law of the world, we will, among ourselves, agree to be bound by the principles embodied in these resolutions.

Assuming this, the question is: Is it judicious for us to adopt these resolutions as the rule of action between ourselves and to make the necessary effort to have them incorporated into the international law of the world? For it is clear that they are either portions of existing international law, in which case we are already under their protection and bound by their obligations, or they are not existing international law, and then it is not in our power to make them so.

These recommendations cover two subjects:

(1) The subject of reclamation by foreigners against a Government in which they reside or with which they have had transactions.

(2) The subject of the navigation of rivers running as boundaries be-

tween or running in different portions of their course through different territories.

I shall first consider the subject of reclamation.

My objection to the very earnest and eloquent report of the majority is not to its details, but to the irresistible conclusion of its logic, which I can not interpret in any other sense than the entire and absolute denial of the right of diplomatic reclamation between independent governments in vindication or protection of the rights of its citizens residing in foreign countries. It is possible that cases of direct violence or tort by the government itself may be excepted, but not clearly.

The foreigner with all the rights of the native [says the report], with no right less, yet with no right more, is the principle which, to the mind of the committee, is the base upon which every theory in the premises should rest. The starting point for practical conclusions in so interesting a matter. If the Government is responsible to its citizens for infraction of the Constitution or the laws, committed by agents of the public authority in the discharge of their duties, it will be equally responsible to foreigners, and *vice versa*. If the Government is not responsible to the citizen for damages caused by insurgents or rebels, neither will it be responsible to foreigners, and *vice versa*. If the natives have any protection against the decision and procedure of the courts, the same right shall be granted foreigners. In a word, in everything touching the exercises of civil rights natives and foreigners shall be on a perfect equal footing, equal rights, equal obligations, equal access to the authorities, equal procedure, equal appeals, but in no case shall the foreigner be superior, an exasperating position which may establish an indefensible duality of sovereignties and authorities. The foreigner should not appear like a spoiled child, always encircled by the arms of the Government of his nationality to prevent him from stumbling and injuring himself.

Putting aside the supposed condition, existing in fact nowhere, in which "foreigners are entitled to enjoy all the civil rights enjoyed by natives," the above forcible and plausible statement can not be accepted without most important limitations. It may be admitted, but with serious reservations, that the resident foreigner in all contracts with private natives and in relation to violations of municipal law has no right to ask more protection than is given to the native citizen. But even here there is the underlying assumption that what is granted by native law and procedure, what is given to the native citizen is substantial justice. If under any peculiar law, under any absolutism of procedure, under any habit or usage of traditional authority to which natives are accustomed and willing to submit, the native process or judgment does not afford this substantial justice, the right of the foreigner to such substantial justice would be nevertheless complete, and how can it be assured to them? But if this be so even in cases of private contention, how is it with the cases where the reclamation of the foreigner is against the Government itself?

Into what court will the Government allow the sovereignty of the nation to be called to answer its responsibility to the claimant, and how is its judgment to be enforced? What, under such a theory, becomes of a native merchant in a belligerent country? What guaranty has the foreigner against the forced loan to which a native citizen may be bound patriotically to submit? Take the case of the foreign bondholder furnishing to the Government invaluable assistance at critical times where the debt is neither denied nor repudiated, but simply and persistently left unpaid. Has any Government hesitated to protect by diplomatic reclamation the interests of its subjects, which no foreigner can enforce in the courts of his debtor? Take the case where the persons and property of foreigners have not received the protection to which their relation with the native Government entitles them. Is it conceivable that so great a departure from ancient usage and recognized international law would be accepted?

It will be recollected that very recently the experiment has been tried. In 1888, only two years ago, the Ecuadoran Congress passed a law decreeing as follows:

ARTICLE I.

The nation is not responsible for losses and damages caused by the enemy either in civil or international war or by mobs, riots, mutinies, or for those which may be caused by the Government in its military operations or in the measures it may adopt for the restoration of public order. Neither natives nor foreigners shall have any right of indemnity in such cases.

ARTICLE II.

Neither is the nation responsible for losses or damages consequent upon measures adopted by the Government towards natives or foreigners in involving their arrest, banishment, internation, or extradition whenever the exigencies of public order or a compliance with treaties with neighboring nations require such action.

ARTICLE III.

The payment of indemnities not excluded by the foregoing articles can not be made except in conformity with the law of public credit and after a previous judgment by a competent judicial officer.

ARTICLE IV.

Neither foreigner nor native shall have the right of presenting claims to the legislature which were previously rejected by a former Congress.

ARTICLE V.

Foreigners who may have filled positions or commissions which subjected them to the laws and authorities of Ecuador can make no reclamation for payment or indemnity through a diplomatic channel.

The diplomatic corps at Quito protested against the act as contrary to the law of nations. On October 23, 1888, the State Department addressed the following instructions to the minister of the United States. After referring to the various articles of what it terms "the extraordinary law" it proceeds:

It is unnecessary to quote further provisions of the statute to show that it is subversive of all the principles of international law. This is so plain that it does not require or admit of argument. By such a declaration of rules for the guidance of her conduct in international relations, Ecuador places herself outside of the pale of international intercourse. It can not be supposed that she will persevere in such a course, which would be destructive of her commerce and render amicable relations with her impossible.

You are, therefore, instructed to say to the Ecuadorian Government that the provisions of the law in question have been read by this Department with regret, and that the United States could never acquiesce in any attempt on the part of that Government to use such a statute as an answer to a claim which this Government had presented.

Now, while the conclusions and argument of the report do not make specific reference to this legislation, it does seem to me that its provisions would be generally supported both by the language and resolution. The second resolution reads thus:

A nation has not, nor recognizes in favor of foreigners any other obligations or responsibilities than those which, in favor of the natives, are established by the constitution and the laws.

I can put but one interpretation upon this language, and that is that whatever be the complaint of a resident foreigner against the Government under whose jurisdiction he is residing, he has no right in protection of his interests other than such as the Government may have pro-

vided in the way of judicial trial or executive appeal to its own citizens, and this principle once admitted, of course there follows the absolute exclusion of diplomatic reclamation; for the report says:

None of the advancements of modern civilization is unknown to the Republics of America; granting the foreigner the same rights, neither less nor more, than the native enjoys, they do all they can and should do, and if their rights are not enough, and if they are not found to be sufficiently guarantied, and to be placed beyond the pale of abuse; if there is danger that abuse will sometimes be committed, as there is danger of earthquakes, of floods, of epidemics, of revolutions, and other misfortunes, the foreigner should have considered it all before deciding to live in a country where he runs such risks.

I am willing to admit that there are cases in which this appeal of a foreigner to have the protection of his own country has been abused—that there may be cases in which the lapse of time, the loss of records, the insufficiency of evidence, the confused and revolutionary character of the circumstances under which the claims may be alleged to have arisen, all combine to diminish the equities of a diplomatic reclamation. But these are rare and are always subject to the scrutiny of the reclaiming Government, and if there is a subject upon which nations are proverbially cautious it is the risk of involving national interests and incurring risks of provoking international difficulties in vindication of the violation of the rights of private individuals. And I can say confidently, with no inconsiderable knowledge of the diplomatic reclamations made by the Government of the United States, that the large majority of the claims which it has become the duty of the United States Government to press upon foreign nations has been in behalf of such claimants as the report describes, well founded in equity, reasonable in demand, and of singular temperance in tone.

Those claims have represented the courage and enterprise and capital of a shrewd, venturesome, but singularly intelligent and broad class of men. They have ventured much, not it is true without hope of reward, but very much that did substantial work in building up large industries, in sustaining struggling Governments, and in aiding other nations in their efforts at independence. And every day, as the world comes closer together, this community of enterprise, this transfer of labor and capital to do the work of other nations is spreading, and becoming not merely private and inconsiderable contracts, but large transactions, involving legislative action, Government intervention, and national responsibility.

The narrow technicality and the unavoidable prejudices of municipal law are growing too small for affairs of such magnitude.

And if there is a noticeable fact in the history of international claims, it is that the almost certain result of diplomatic reclamation is the arbitration of an impartial tribunal, in which all the equities are carefully scrutinized and by which almost every contention has been solved by a compromise which relieves national irritation and satisfies individual justice. I am satisfied that within the last fifty years surer foundations for the establishment of a real international law by diplomatic reclamation, thus terminating in arbitration, have been laid than by any influence at work in the history of the world.

This system has given us a series of special decisions covering a multiplicity of cases arising from the developing necessities of closer national relations, which will become, sooner or later, a code of decisions to which appeal may safely be made. The time has not yet come, but come it must, when all differences not between government and government—for that I deem impossible, but between the citizens of one country and the government of another—will find a common and legal

tribunal to administer a recognized jurisdiction. But until that comes and as the surest and most efficient means to secure its coming is diplomatic reclamation seeking and finding arbitration.

I am unwilling to repeat the commonplace declaration, "*Romanus civus sum.*"

It has been distorted by the political declamation of that sort of passion which sometimes mistakes itself for patriotism; its truth has been abused by great and arrogant nations, and may be again. But human nature must be changed, and changed for the worse, before you can separate loyalty to the Government and protection to the citizen. And that flag had better be furled under which a citizen does not feel that he is safe against injustice.

With these views I can not concur in any opinions which diminish the right or reduces the power of a nation by diplomatic reclamation, which is the manifestation of its moral strength and vitality, to protect the rights and interests of its citizens.

MINORITY REPORT ON THE NAVIGATION OF RIVERS BY THE DELEGATE OF THE UNITED STATES.

With regard to this subject I have little to say. The majority report states, I think, with sufficient accuracy the general doctrine, although how far these rights of navigation belong to the world as against the riparian sovereignty has not perhaps been absolutely settled. And I would have to make some reservation as to the first declaration, "that rivers which separate several States or which bathe their territories shall be open to the free navigation of the merchant marine or ships of war of the riparian nations."

The old contention as to the limitation of the naval power of Russia in the Black Sea might well be revived on the course of a great continental river where the riparian owners were of very different degrees of strength. And in case of war questions might arise not easily answered; for I confess, with all my study of international law, I have not learned what, if any, outside of questions of pure humanity, are the limitations on the right of war, and history seems to me only to teach that law, as the skeptical Frederick said of Providence, is always on the side of the stronger battalions.

I think that the appreciation of the principle, now so generally recognized as not to need confirmation, had better be left to the wisdom of the riparian owners, whose interests will more surely lead to sagacious and amicable settlement of questions which may arise than any appeal to general principles.

I do not object to the committee expressing its views upon the resolutions which have been referred to it, but I can not concur in any resolution declaring their principles to be principlés of American international law.

WILLIAM HENRY TRESCOT,
Delegate from the United States.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 184.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

In response to resolution of July 2, 1890, a report of the number of pensioners on the roll of each agency, and the amount of money apportioned to each for clerk-hire.

JULY 15, 1890.—Laid on the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1890.

SIR: In acknowledgment of the resolution of the Senate calling for the number of pensioners borne on the roll of each agency on the 30th of June, 1890, and also the amount of money apportioned to each agency for clerk hire by the circular letter of the Commissioner dated July 1, 1890, I have the honor to inclose a copy of a letter from the Commissioner of Pensions, and the memorandum referred to therein containing the number of pensioners as shown by the rolls on the 31st of May, 1890, and the apportionment of the appropriation for the fiscal year of 1891.

Inviting attention to the statement of the Commissioner that owing to the fact that the reports of all the pension agents for the month of June have not yet been received, the number of pensioners on the rolls on the 30th of June can not yet be furnished, I have to state that I have directed him to forward the same as soon as practicable, and when received it will be transmitted to the Senate.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, July 7, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, inclosing a copy of a resolution of the United States Senate directing that information be furnished on the following points:

(1) The number of pensioners borne upon the roll of each United States pension agency June 30, 1890.

(2) The amount of money apportioned to each agency for clerk hire by the circular letter of Commissioner Raum dated July 1, 1890, and upon what basis such apportionment was made.

In reply I have to inclose a memorandum showing the number of pensioners on the rolls of each pension agency May 31, 1890, and the apportionment for clerk hire at each agency for the fiscal years 1890 and 1891, respectively.

The number of pensioners on the rolls of the several agencies on the 30th day of June, 1890, can not be furnished in the present report, owing to the fact that the reports of the pension agents on this point for the month of June, 1890, have not yet been received.

I have therefore submitted the state of the rolls at the close of the month of May, 1890, from which data was obtained in making the apportionment now under consideration.

The appropriation act for the fiscal year 1891 provides "that the amount of clerk hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency."

In this connection it is proper to state that in fixing the apportionment of clerk hire for any given agency many facts, other than the number of pensioners paid at such agency, must receive consideration.

The large number of personal payments made at some of the agencies, the small number of such payments made at other agencies, the relative cost of living in different cities in which agencies are located, and the consequent difficulty, in cities in which living is high, in securing the best class of clerks without increased compensation, and the directions in which the increase to the pension-roll is most apparent are some of the considerations which have had weight in fixing the apportionment for clerk hire, quite as much weight, if not a greater amount than the actual number of pensioners on the roll of an agency.

Under date of June 7, 1890, and prior to making said apportionment for the present fiscal year, I called upon each of the eighteen agents for the payment of pensions to give expression promptly and in detail as to the number of clerks necessary to meet the requirements of the agency service and the annual salaries proposed for such clerk during 1891.

Due and careful consideration was given to the information received from the agents, but it was found that the aggregate of the amounts deemed by them to be necessary, exceeded the amount appropriated to a considerable degree.

Every consideration was, however, given to the opinion of the agents and with a single exception, the apportionments made have seemed to be satisfactory.

Very respectfully,

GREEN B. RAUM,
Commissioner of Pensions.

Hon. GEORGE CHANDLER,
Acting Secretary of the Interior.

Memorandum showing number of pensioners on the rolls of each pension agency, May 31, 1890, and the apportionments for clerk-hire at each agency for the fiscal year 1890 and 1891, respectively.

Name of agency.	Pensioners on the rolls, May 31, 1890.	Apportionment of clerk-hire fiscal year 1890.	Apportionment of clerk-hire fiscal year 1890.
Augusta	14,472	$5,036.50	$5,110.00
Boston	20,761	10,366.00	12,000.00
Buffalo	30,379	10,374.92	12,000.00
Chicago	44,157	14,843.00	20,000.00
Columbus	55,560	17,951.94	24,200.00
Concord	15,369	5,324.65	6,000.00
Des Moines	31,809	10,590.67	12,000.00
Detroit	26,902	8,754.00	11,560.00
Indianapolis	49,750	16,147.00	25,000.00
Knoxville	24,000	8,366.00	12,000.00
Louisville	15,720	5,066.91	6,250.00
Milwaukee	28,377	9,551.00	12,000.00
New York	25,916	9,380.86	15,000.00
Philadelphia	29,424	9,996.63	15,000.00
Pittsburgh	24,868	8,436.77	12,000.00
San Francisco	8,394	2,728.75	3,500.00
Topeka	43,321	13,962.00	18,300.00
Washington	32,400	10,979.00	15,000.00
Total	532,479	177,856.60	236,920.00

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 185.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A letter of the Second Comptroller of the Treasury asking for an increase of ten clerks, made necessary by the pension act of June 27, 1890.

JULY 14, 1890.—Referred to the Committee on Appropriations.
JULY 15, 1890.—Ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 14, 1890.

SIR: I have the honor to herewith transmit a letter from the honorable Second Comptroller of the Treasury, asking for an increase of ten clerks, to wit: Five of class one, and five of the $1,000 grade, made necessary under the legislation provided for in the act of June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

I beg leave to call especial attention to this letter, and to express the hope that the clerical force asked for therein will be provided for by Congress. From my knowledge of the condition of the work in the office of the Second Comptroller, I am of opinion that the additional clerical force asked for by the Comptroller is absolutely necessary. The current work of that bureau is at this time behind, and gradually increasing, and hence the additional work thrown thereon by the statute already referred to renders the additional help asked for imperatively necessary.

I have the honor to be, very respectfully,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
Washington, D. C., July 14, 1890.

SIR: I have the honor to invite your attention to the urgent necessity of additional permanent help in this office in view of the necessities arising from legislation as provided for in the act of June 27, 1890,

entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

Under this act there will be a very large increase of work thrown upon this office. I am advised that the Third and Fourth Auditors have made estimates for an additional force of clerks, made necessary under the statute already referred to. This office supervises accounts received from both of said Auditors. As the statute hereinbefore cited imposes very considerable additional work upon the Third Auditor in relation to Army pensions, and upon the Fourth Auditor in Navy pensions, it will readily be seen that the public business can not be dispatched quickly unless the work of this office is kept up with that of the Auditors. Unless, therefore, the clerical force of this office is increased, any increase in the offices of the Third and Fourth Auditors will accomplish no purpose whatever.

I am already far behind all the Auditors in the settlement of claims. While I greatly regret this condition of affairs, I feel that this is from no fault on the part of the clerical force in this office. The reason simply is that I have not enough clerks to do the work. I had the honor to call your attention to this condition of affairs at the beginning of this session of Congress, and, although you recommended an increase of the clerical force of this bureau, Congress has not seen fit to provide the same; hence the current work is getting more and more behind, and will continue so to do until Congress shall provide the remedy. I know from personal observation that every clerk in this office does his or her work faithfully and well, and can do no more. This being so, I respectfully submit that an additional number of clerks, to do the work made necessary under the statute already cited, is absolutely necessary.

I have made a careful estimate as to how many additional clerks will be required and find that it will be absolutely necessary to have ten more.

I therefore have the honor to urgently recommend an increase of ten clerks for this office, as follows, to wit: Five of class 1 ($1,200 per annum), and five of the $1,000 grade, and have to say that, in my deliberate judgment, the work can not be performed with any less number.

I have the honor to be, very respectfully,

B. F. GILKESON,
Comptroller.

HON. WILLIAM WINDOM,
Secretary of the Treasury.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 186.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Two agreements concluded by the Cherokee Commission with the Citizen Band of Pottawatomie Indians and the Band of Absentee Shawnees for the cession of certain lands.

JULY 16, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith two agreements concluded by the Commission appointed under section 14 of the act of March 2, 1889, commonly known as the Cherokee Commission, with the Citizen Band of Pottawatomie Indians and the Band of Absentee Shawnees, respectively, for the cession of certain lands to the United States.

Letters from the Secretary of the Interior, the Commissioner of Indian Affairs, and the Assistant Attorney-General for the Department of the Interior relating to the same matter are also submitted.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 15, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, July 14, 1890.

The PRESIDENT:

There are herewith transmitted two agreements made by the Cherokee Commission as follows:

That of June 25, 1890, with the Citizen Band of Pottawatomie Indians, and that of June 26, 1890, with the Absentee Shawnees.

These are accompanied with the reports of the Commissioners, the report of the Commissioner of Indian Affairs, and the opinion of the Assistant Attorney-General of this Department.

The several agreements are unquestionably valid and convey whatever title the respective tribes may have in the lands described, and I recommend they be sent to Congress for ratification.

An abstract of the contracts is to be found in the letter of the Commissioner.

Most respectfully,

JOHN W. NOBLE,
Secretary.

CAMP AT SHAWNEE TOWN, IND. T., *June* 25, 1890.

SIR: After closing our labors at the Sac and Fox Agency, on June 14, the Commission proceeded to Shawnee Town to meet the Citizen Pottawatomie and the Absentee Shawnee Indians.

On June 16 we opened negotiations with the first-named Indians. Some embarrassment was experienced in consequence of certain persons assuming to act without calling a general council of all the people; therefore, on Wednesday, June 18, further negotiations were postponed until the following Tuesday.

On Tuesday, June 24, pursuant to notice a general council met us at our camp at 9 o'clock a. m., at which time we submitted to the Indians a definite proposition, which, after consideration by the latter, was accepted on many conditions submitted in writing.

The conditions were promptly rejected by us, whereupon after further deliberations by the Indians our proposition was accepted as made, and the requisite understanding reached upon which to base a contract. The meeting was thereupon adjourned until Wednesday morning, June 25.

On Wednesday morning the council reconvened, at which time the contract was read at length, fully explained, and duly executed and delivered. It was executed in duplicate, one copy of which is herewith inclosed, one copy was delivered to the business committee representing the Indians, and a memorandum copy retained by us.

The principal features of this contract are as follows, that is to say: allotments of land that have been made under existing laws or that are in the process of being made shall stand and be confirmed. All citizen Pottawatomies entitled under existing laws and regulations to an allotment of land shall select the same prior to February 8, 1891, or waive his or her right to such allotment. The regulations now in force governing the allotments being made as to area of land to be taken by allottees, and as to the locality on the reservation where selections for allotments may be made, are to continue until all allotments are made. The number entitled to allotments is fixed at fourteen hundred, provided that should they exceed that number then there shall be deducted from the sum provided to be paid to these Indians $1 per acre for all land so allotted in excess of that number.

The following reservations are made in the contract, viz: all lands in said reservation now set apart for agency, school or school farm uses, and the 640 acres of land now held by the Catholic Church for school and religious purposes, known as the Sacred Heart Mission; sections 16 and 36 in each township for school purposes, except such portions of said sections 16 and 36 as may have been heretofore allotted, but no part of such sections shall hereafter be so allotted.

The allotments are to be held by the Government in trust under the provisions of the "Dawes bill" for twenty-five years.

For the purpose of quieting all claims or shadow of claims of title to the surplus lands on this reservation, and for the further purpose of assisting the allottees in improving their permanent homes, supplying them with the necessary equipments to start as agriculturists under their new conditions, the sum to be paid was fixed at $160,000, payable on the reservation within four months after the ratification of the contract by Congress.

After completing the allotments to both tribes of the Citizen Pottawatomies and of the Absentee Shawnees there is an estimated surplus of land to be opened to the public of some 325,000 acres, which can be so opened according to the terms of the contract at any time after February 8, 1891, at the pleasure of the Government.

The only reservation made within the territory south of Little River, and which has practically been set apart for the Citizen Pottawatomies, is the one heretofore mentioned for the Sacred Heart Mission. From the information gained by personal inspection of one of our number, we take pleasure in commending this as a missionary school and religious organization of special merit; and because of its ample equipment to prosecute both scholastic and religious work, we feel justified in making provision for ratifying and carrying out the written agreement heretofore made between the Indians and the Fathers who established this mission, to the end that the title should be held for their use so long as the work continues. The amount of land seems liberal, yet some 480 acres are now fenced and being used to good purpose for pasture, in growing grain, hay, vegetables, and fruit, including a large vineyard.

The general character of the land included in this reservation is adapted to pasturage on the higher grounds, and on the flat or low grounds to grain-growing and to the cultivation of other agricultural products. Cotton is cultivated to some extent, and fruit is grown with success. Water is scarce and poor, and rain-fall quite limited.

Among the most serious embarrassments experienced by the Commission in prosecuting negotiations with the different tribes of Indians is the ever-present attorney representing the Indians under contracts for that purpose. We see no necessity for the aid of such attorneys to defend the rights of the Indians.

The question of the recognized authority to contract with the Government for a cession of the lands in this reservation having been raised before the Commission, we submitted the same to the Indians, who in due time presented a communication in writing covering the question submitted, which communication is hereto appended.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

The PRESIDENT.

Articles of agreement made and entered into at Shawneetown, in the Indian Territory, on the 25th day of June, 1890, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Citizen Band of Pottawatomie Indians in the Indian Territory.

ARTICLE I.

The Citizen Band of Pottawatomie Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and forever and absolutely surrender to the United States all their claim, title, and interest of every kind and character in and to the following-described tract of country in the Indian Territory—according to Morrill's survey under contract of September 3, 1872—to wit:

"Beginning at a point on the right bank of the North Fork of the Canadian River, in section twenty-one (21), of township eleven (11) north, range five (5) east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six (36), township six (6) north, range one (1) west, thirty-nine (39) chains and eighty-two (82) links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or thirty-eight (38) chains and fifty-two (52) links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof, to the place of beginning, comprising the following, viz:

"Fractional township five (5), north, ranges one (1), two (2), three (3), four (4), and five (5) east, north of the Canadian River. Fractional township six (6) north, ranges one (1), three (3), four (4), and five (5) east, north of the Canadian River. Township six (6) north, range two (2) east.

"Townships seven (7), eight (8), and nine (9), ranges one (1), two (2), three (3), and four (4) east. Fractional townships seven (7), eight (8), and nine (9) north, range five (5) east.

"Townships ten (10) and eleven (11) north, range one (1) east. Fractional township ten (10) north, ranges two (2), three (3), and four (4) east, south of the North Fork of the Canadian River.

"Fractional township ten (10) north, range five (5) east. Fractional township eleven (11) north, ranges two (2), three (3), four (4), and five (5) east, south of the North Fork of the Canadian River.

"Fractional township twelve (12) north, ranges one (1) and two (2) east, south of the North Fork of the Canadian River.

"Also that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), and twenty-five (25), and section thirty-six (36), north of the Canadian River in township six (6) north, range one (1) west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36) in townships seven (7), eight (8), nine (9), ten (10), and eleven (11) north, range one (1) west, lying east of the western boundary line aforesaid, and that portion of sections one (1) and twelve (12) south of the North Fork of the Canadian River, and sections thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36), in township twelve (12) north, range one (1) west, lying east of the western boundary line aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one-hundredths (575,870.42) acres of land."

ARTICLE II.

Whereas certain allotments of land have been heretofore made, and are now being made to members of said Citizen Band of Pottawatomie Indians according to instructions from the Department of the Interior at Washington, under the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, location and area, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress: Provided, that in allotments to be hereafter made no person shall have the right to select his or her allotment in section sixteen (16) and thirty-six (36) in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections sixteen and thirty-six (16 and 36) be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes, be subject to homestead entry, but shall be held by the United States for such purposes so long as the United States shall see fit to so use them; and provided further, that all such allotments shall be taken on or before February 8, 1891, when any right to allotment, in any one, shall be deemed waived and forever cease to exist.

And it is specially agreed that the south half of section seven (7) and the north half of section eighteen (18) in township six (6) north, range five (5) east, heretofore set apart by a written agreement between said Citizen Band of Pottawatomie Indians and certain Catholic Fathers, for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the Sacred Heart Mission, the name under which said association of Fathers are conducting the church, school, and farm on said land.

And in any lawful manner, to be provided by Congress, shall be conveyed to said Fathers for the uses above expressed.

ARTICLE III.

It is further agreed that the number entitled to take and who shall take allotments, including those who have already taken allotments, is fourteen hundred (1400).

But if it shall be ascertained that a greater number than fourteen hundred (1400) shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Pottawatomie Indians the sum of one (1) dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

It is further agreed, as a further and only consideration for such relinquishment of all title, claim, and interest of every kind and character in and to said lands, that the United States will pay to said Citizen Band of Pottawatomie Indians, in said tract of country, within four (4) months after this agreement shall have been ratified by Congress, the sum of one hundred and sixty thousand ($160,000) dollars, for making homes and other improvements on the said allotments. And if it shall be ascertained that said Citizen Band of Pottawatomie Indians did purchase and pay the United States for the tract of country above described in accordance with the provisions of a treaty between the United States and the said Citizen Band of Pottawatomie Indians, proclaimed August 7, 1868, and that the United States did retain, and yet retains, and shall continue to retain of said Indians' funds, the sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents ($119,790.75) on account of such purchase, then the United States agrees to pay to said Citizen Band of Pottawatomie Indians the additional sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents ($119,790.75).

All payments of money herein provided for shall be made per capita to said Indians.

ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, have hereunto set their hands for and on behalf of the United States, and Alexander B. Peltier, Joseph Moose, John Anderson, Stephen Negah-n-quet, John B. Pambago, Alexander Rhodd, and Davis Hardin, the business committee of said Citizen Band of Pottawatomie Indians, authorized by law and custom, and by general council now and here present and in session, so to do, have hereunto set their hands, and the adult male members of said band present, representing in their families the number set opposite their names, respectfully have hereunto set their hands:

Commissioners for the United States.	DAVID H. JEROME.		
	A. M. WILSON.		
	WARREN G. SAYRE.		
Business Committee.	ALEXANDER B. PELTIER		6
	JOSEPH MOOSE		3
	STEPHEN NEGAH-N-QUET		9
	JOHN B. PAMBAGO		5
	ALEXANDER RHODD	his x mark	7
	Geo. L. Young		3
	Geo. L. Young, jr		2
	James Yott		8
	John B. Bruno	his x mark	15
	Francis N. Yott	do	1
	Charles Vieux	do	2
	Jacob Vieux	do	7
	James Baldan	do	7
	James Acton	do	4
	Joe Haus		
	Alexander A. Yott		2
	Nack-nash-kuk	his x mark	1
	Joseph Ap-tas-ka	do	3
	Andrew Curley	do	3
	Pamdosh	do	7
	John Megaw	do	3
	Wah-kah-sae	do	2
	Seymore Kah-dot	do	3
	John Acton	do	7
	Joseph Milot	do	4
	Claude Milot	do	8
	William Frapp	do	1
	Joseph C. Milot	his x mark	4
	John B. Beaubien		3
	P. H. Beaubien		1
	G. E. Beaubien		2

Frank Pah Skagh	his x mark	4
George Nah-mah-skuk	do	3
Nicholas Tromble		3
Antoine Fuller		4
Albert McLean		1
Paul Toupin		4
Amable Toupin		3
Aaron Davis		6
Aaron F. Bourbonnais		2
John A. Bourbonnais		4
Charles Greemore		3
J. R. Blair		5
Antoine Bourbonnais		6
O-sken-mah	her x mark	6
Emerson Spear	his x mark	7
Maugaurite Haak	her x mark	6
Sidney Smith		6
Wm. Moore		5
Joseph Whipple	his x mark	3
Mitchell Phelps		3
A. Burnett		6
Joel Deloinais		4
Jobie Moun		3
Daniel O'Brien	his x mark	1
Jacob Johnson		8
Rachal Johnson Wall		4
Loren Johnson		1
Leon Boursaw		2
Thomas Hardin		3
John Vient		5
Osmit	his x mark	3
John Whitehead		4
Frank Darling		4
Eugene Bursaw		11
Joel Burns		5
Joseph Regnier		7
Francis Vieux	his x mark	6
Joe Burnett		6
J. E. Kennedy		2
Frank Goodboo		1
Catherine Griffenstein		5
By William Griffenstein, her atty. in fact.		
Daniel O. Chilson		1
Jacob B. Countryman		1
G. W. Morris	his x mark	5
Susan Morris		
Ben Bertrand		2
W. Weld		2
Samuel McFarland		2

I, Joseph Moose, do hereby certify that I am a member of the Citizen Band of Pottawatomie Indians of the Indian Territory, that I am also a member of the business committee of said Indians now residing upon what is commonly called the Pottawatomie reservation in the Indian Territory, that I am secretary of said business committee, and the interpreter for said Indians.

That said business committee, subject to the ratification of the Indians in general council, by law and custom of said Indians, transact all business for said Indians. That on the 25th day of June, A. D. 1890, in pursuance of lawful notice by me given, said Indians assembled in general council at Shawneetown, in which council all the Citizen Band of Pottawatomie Indians were represented. That the contract made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and said business committee acting for and on behalf of said Indians to which contract this certificate was appended, was by me interpreted and fully explained to said Indians at the time and place mentioned when so assembled, and they made to fully understand the same. That said general council ratified and approved said contract and directed said business committee to sign the same on the part of said Indians, and that I witnessed said signing by the business committee, except John Henderson and Davis Hardin, who were absent, and that I witnessed all other signatures thereto, and as to those who signed by mark I now and hereby attest their signatures.

Witness my hand at Shawneetown the day and year above written.

JOSEPH MOOSE.

CAMP OF CHEROKEE COMMISSION,
Shawneetown, Ind. T., June 26, 1890.

SIR: We have the honor to report that after closing and executing the contract with the Citizen Band of Pottawatomie Indians, we entered upon negotiations with the Absentee Shawnees in general council assembled. A written proposition was presented to the council by us, and after deliberate consideration, the proposition was accepted by said Absentee Shawnees. A contract embodying said proposition was then duly executed in duplicate, one copy of which was delivered to Chief White Turkey for his tribe, and the other is herewith inclosed.

This completes the cession of all the claims of Indians to lands on this reservation. The contract was ordered to be executed by a large majority of male adults convened in general council, Chief Big Jim, however, being present and declining to vote. After the contract was signed and ready for delivery, the act of the chief and head men was explained and fully interpreted to the general council of Indians, and their unanimous assent to the delivery was expressed by an "aye" vote.

The contract provides for a distribution of the money to be paid to all the Absentee Shawnees, including Big Jim's band, and therefore does complete justice to all concerned.

We proceed to-morrow to the Kickapoo Reservation to open negotiations with that tribe.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners.

The PRESIDENT,
Washington, D. C.

Articles of agreement made and entered into at Shawneetown, in the Indian Territory, on the 26th day of June, 1890, by and between David H. Jerome, Warren G. Sayre, and Alfred M. Wilson, Commissioners on the part of the United States, and the Absentee Shawnees residing on what is commonly known as the Pottawatomie Reservation, in the Indian Territory, represented by their chiefs and head-men or counselors whose names are hereto subscribed.

ARTICLE I.

The Absentee Shawnee Indians of the Indian Territory in consideration of the fulfillment of the promises hereinafter made hereby cede, relinquish, and surrender forever and absolutely to the United States all their claim, title, and interest of every kind and character in and to the following-described tract of country in the Indian Territory, according to Morrill's survey under contract of September 3, 1872, to wit:

"Beginning at a point on the right bank of the North Fork of the Canadian River, in section twenty-one (21), of township (11) north, range five (5) east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six (36), township six (6) north, range one (1) west, thirty-nine (39) chains and eighty-two (82) links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or thirty-eight (38) chains and fifty-two (52) links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof, to place of beginning, comprising the following, viz:

"Fractional township five (5) north, ranges one (1), two (2), three (3), four (4), and five (5) east, north of the Canadian River. Fractional township six (6) north, ranges one (1), three (3), four (4), and five (5) east, north of the Canadian River. Township six (6) north, range two (2) east.

"Townships seven (7), eight (8), and nine (9); ranges one (1), two (2), three (3), and four (4) east. Fractional townships seven (7), eight (8), and nine (9), north; range five (5) east.

"Townships ten (10) and eleven (11) north, range one (1) east. Fractional township ten (10) north, ranges two (2), three (3), and four (4) east, south of the North Fork of the Canadian River. Fractional township ten (10) north, range five (5) east. Fractional township eleven (11) north, ranges two (2), three (3), four (4), and five (5) east, south of the North Fork of the Canadian River. Fractional township twelve (12) north, ranges one (1) and two (2) east, south of the North Fork of the Canadian River.

"Also that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), and twenty-five (25), and section thirty-six (36), north of the Canadian River in township six (6) north, range one (1) west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36), in townships seven (7), eight (8), nine (9), ten (10), and eleven (11) north, range one (1) west, lying east of the western boundary line aforesaid, and that portion of sections one (1) and twelve (12) south of the North Fork of the Canadian River, and sections thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36) in township twelve (12) north, range one (1) west, lying east of the western boundary line aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one-hundredths (575,870.42) acres of land."

ARTICLE II.

Whereas certain allotments of land have been heretofore made, and are now being made to said Absentee Shawnees, according to instructions from the Department of the Interior at Washington, under the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, locations, and areas, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress. Provided, that in all allotments to be hereafter made, no person shall have the right to select his or her allotment in sections sixteen (16) and thirty-six (36) in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections sixteen (16) and thirty-six (36) be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes be subject to homestead entry—but shall be held by the United States for such purposes, so long as the United States shall see fit to so use them; and provided further, that all such allotments shall be taken on or before January 1st, 1891, after which time and up to February 8th, 1891, the allotting agent then on said reservation shall make allotments to those Absentee Shawnees resident in said tract of country who have failed or refused to take their allotments as aforesaid, and such allotments so made by such allotting agent shall have the same force and effect as if the selections were made by the Indians in person. After said date of February 8th, 1891, any right to allotment hereunder or by act of Congress shall be deemed waived and forever cease to exist.

ARTICLE III.

It is further agreed that the number who are entitled to take allotments and who shall take allotments, including those who have already taken allotments, is six hundred and fifty (650). But if it shall be ascertained that a greater number than six hundred and fifty (650) shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Absentee Shawnees the sum of one (1) dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim, and interest of every kind and character, in and to said

lands, that the United States will pay to said Absentee Shawnees in said tract of country as soon as may be after this agreement shall have been ratified by Congress, and under the direction of the Commissioner of Indian Affairs, the sum of sixty-five thousand ($65,000) dollars for making homes and other improvements on their said allotments. All payments of money herein provided for shall be made per capita to said Absentee Shawnees according to the list of all those to whom allotments shall be hereunder made, and the wives of allottees.

ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre have hereunto set their hands for and on behalf of the United States, and Chief White Turkey and Charley Starr, Elephant, Thomas Rock, William Littleaxe, and Jim Bullfrog, head-men of the Absentee Shawnees and counselors of White Turkey, have hereunto set their hands on behalf of the Absentee Shawnee Indians.

DAVID H. JEROME,
A. M. WILSON,
WARREN G. SAYRE,
Commissioners on behalf of the United States.
WHITE TURKEY CHIEF (his x mark).
CHARLEY STARR.
ELEPHANT (his x mark).
THOMAS ROCK (his x mark).
WILLIAM LITTLEAX (his x mark).
JIM BULLFROG (his x mark).

I, Thomas W. Alford, do hereby certify that I am an Absentee Shawnee Indian resident in the Indian Territory, and now residing upon what is commonly called the Pottawatomie Reservation; that I was this day chosen as the interpreter for said Indians in negotiating and concluding the contract to which this is appended. That said Absentee Shawnee Indians assembled in general council at Shawneetown on the 26th day of June, A. D. 1890. That the contract to which this is appended, made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and Chief White Turkey, and the head-men of the said Absentee Shawnees and counselors of White Turkey, was by me interpreted and fully explained to said Indians at the time and place mentioned, when so assembled, and they made to fully understand the same. That said general council approved and ratified said contract and directed said chief and head-men to sign the same on the part of the said Indians, and that I witnessed said signing by each and every person whose name is signed thereto, and as to those who signed by mark I now and hereby attest their signatures. I further certify that I know that this contract is signed by the chief and head-men who represent a majority of all of said Absentee Shawnee Indians.

Witness my hand at Shawneetown the day and year above written.

THOMAS W. ALFORD,
Interpreter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 3, 1890.

The SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge the receipt of your communication, dated July 1, 1890, with which you transmit articles of agreement made and entered into at Shawnee Town, in the Indian Territory, on the 25th of June, 1890, by and between the Cherokee Commission and the Citizen band of Pottawatomie Indians in the Indian Territory; also a report of the commissioners of the same date and letter of transmittal of the two former.

I am also in receipt of your separate communication of the same date, with which you transmit an agreement between the Cherokee Commis-

sion and the Absentee Shawnees, dated the 26th of June, 1890, for consideration in connection with the agreement between the same commissioners and the Citizen Pottowatomies, above referred to.

By the first named agreement the Citizen band of Pottawatomies cede, relinquish, and forever absolutely surrender to the United States all their claim, title, and interest of every kind and character in and to the 30-mile-square tract of land in the Indian Territory immediately west of the Seminole Reservation for the sum of $160,000, to be paid to said Indians per capita.

It is also agreed that the allotments which have heretofore been made and are now being made to said Indians shall be completed and confirmed, and that all others entitled to allotments shall have the same made and confirmed under the existing instructions from this Department, provided that in any allotments hereafter to be made no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township, nor upon any land heretofore set apart in said tract of country for use by the United States or for school, school-farm, or religious purposes; and that all such allotments shall be taken on or before February 8, 1891.

It is agreed that the number entitled to take and who shall take allotments, including those who have already taken the same, is 1,400; but if it shall be ascertained that a greater number shall be entitled to so take allotments, then there shall be deducted from the sum of $160,000 to be paid to said Indians, the sum of $1 for each acre of land allotted to those in excess of said number.

It is also agreed that if it shall be ascertained that the said Citizen band of Pottawatomie Indians did purchase and pay the United States for said 30-mile tract of country in accordance with the provisions of the treaty proclaimed August 7, 1868, and that the United States did retain, yet retains, and shall continue to retain the sum of $119,790.75 of the funds of said Indians on account of such purchase, then the United States will pay to the said Citizen band of Pottawatomie Indians the additional sum of $119,790.75.

The agreement is executed by the business committee of said Citizen band of Pottawatomies and by seventy-five individual heads of families of said band.

The agreement concluded with the Absentee Shawnees is to the same purport as that with the Pottawatomies, the number of Indians entitled to allotments being placed at six hundred and fifty, and payment to be made for relinquishment of their claims at $65,000. The agreement is signed on behalf of the Shawnees by Chief White Turkey and five councillors.

The commissioners report that the agreement was ordered to be executed by a large majority of the male adults convened in general council, Chief Big Jim being present and declining to vote. That after the contract was signed and ready for delivery, the acts of the chief and headman were fully explained to the general council of Indians, and they unanimously consented to the delivery by an expression of ayes.

As indicated in the original instructions to the Cherokee Commission and in office report of June 18, 1890, also in various other reports, this office has uniformly maintained that the Citizen Pottawatomies have no right, title, or valid claim to any lands within the 30-mile-square tract, except such as are given to them by the act of May 23, 1872, (17 Stats. 159), *i. e.*, the right of each member of the band to purchase a certain quantity of land, or by the act of February 8, 1887 (24 Stats. 388), *i. e.*, the right to receive allotments under the said act. They have, however, as-

serted claim to the surplus lands in this reservation, and I can see no valid objection to the extinguishment of said claim by a payment to the Indians of the sum agreed upon by the commission. It will probably be better to have the claims of these Indians extinguished at once to their satisfaction than to allow them to exist to be urged before Congress in years to come.

The same remarks will apply to the Absentee Shawnees.

I see no objections to either the manner or form of the agreements.

It will be observed that the Shawnee agreement is not signed by Big Jim, the chief of one of the bands of said Indians, the reasons for which are set forth in the letter of the commissioners. The followers of White Turkey, however, are in the majority, and I think the ratification of this agreement will operate as a complete extinguishment of any further claim of the Absentee Shawnee Indians to land in the 30-mile-square tract.

I return the papers as requested.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1890.

SIR: There are herewith referred to you the agreements between the Cherokee Commission and the Pottawatomies and Absentee Shawnees, upon which please give me your opinion as to whether the same are valid in form and will secure complete title in the United States for the lands described

An early reply is requested.

Yours, truly,

JOHN W. NOBLE,
Secretary.

ASSISTANT ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., July 9, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference of the 8th instant, of the agreements made June 25 and 26, 1890, between the Cherokee Commission and the Pottawatomies and the Absentee Shawnees, residing upon what is known as the Pottawatomie Reservation, in the Indian Territory, pursuant to the provisions of section 14 of the act of Congress approved March 2, 1889 (25 Stat., 1005).

By said reference you request my "opinion whether the same are valid in form and will secure complete title in the United States for the lands described."

After a careful examination of said agreements, the letter of the commission accompanying the same, together with the report of the Commissioner of Indian Affairs thereon, I am unable to discover any valid

objection as to the form of said agreements, and I therefore advise you that upon the ratification thereof by Congress, as provided in said section 14, the United States will secure complete title to the land embraced therein.

The papers referred are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

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51ST CONGRESS, 1st Session. | SENATE. | Ex. Doc. No. 187.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report of the International American Conference on the extradition of criminals.

JULY 16, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for your information, certain reports on the subject of extradition, adopted by the International American Conference at its recent sessions in this city.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 15, 1890.

DEPARTMENT OF STATE,
Washington, July 15, 1890.

The PRESIDENT:

I have the honor to inform you that the International American Conference, recently in session in this city, adopted certain reports, containing recommendations on the subject of the extradition of criminals, which are herewith transmitted for the information of Congress.

Respectfully submitted.

JAMES G. BLAINE.

REPORT ON EXTRADITION.

[As adopted by the Conference April 15, 1890.]

The International American Conference resolves:

1st. To recommend to the Governments of the Latin American nations the study of the Treaty of Penal International Law made at Montevideo by the South American Congress of 1888, in order that within a year, to be counted from the date of the final adjournment of this Conference, they may express whether they adhere to the said treaty, and in case that their adhesion is not complete, which are the restrictions or modifications with which they accept it.

2d. To recommend at the same time that those Governments of Latin America which have not already made special treaties of extradition with the Government of the United States of North America, should make them.

APPENDIX.

DRAFT OF A TREATY ON INTERNATIONAL PENAL LAW.

[Adopted by the Congress of Montevideo.]

TITLE I.—*On Jurisdiction.*

ARTICLE I.

The crimes and offenses committed within the territorial jurisdiction of a natio shall be punished according to the laws of that nation; and the offenders, whatev their own nationality, or the nationality of the victim, or wronged party, may be shall be subject to trial before the courts of the country where the offense was com mitted.

ARTICLE II.

Such violations of criminal law as are perpetrated in a State, but exclusively af fect the rights and interests as guaranteed by the laws of another State, shall fal under the jurisdiction of the State affected by them, and shall be punished according to its laws.

ARTICLE III.

When an offense affects different States, the jurisdiction of the State in whose ter ritory the offender is arrested shall prevail.

If the offender should seek shelter in a State different from the ones affected by hi action, the jurisdiction of the State which asked first for the extradition shall prevail

ARTICLE IV.

In the cases referred to in the preceding article, if there is only one offender, then shall be only one trial, and the penalty to be imposed shall be the gravest one estab lished by the penal laws of the different States concerned.

If the penalty found out to be the gravest should not be admitted in the Stat when the trial takes place, the nearest in gravity shall be imposed.

The court shall, in all cases, apply to the executive power in order that due notic of the initiation of the proceedings may be given through it to the interested States

ARTICLE V.

Each one of the contracting States shall have the power to expel from its territory, under its own laws, the offenders who have taken shelter therein, if after havin given notice to the State against which the refugee committed an extraditable offens no action is taken by it.

ARTICLE VI.

Acts done in the territory of a State which are not punishable according to its laws, but are punishable in the country where they produce their effects, shall not be made the subject of judicial action in the latter, except in case that the offender is found within its territory.

This rule shall be applicable also to those offenses which do not admit of extradition.

ARTICLE VII.

For the trial and punishment of the offenses committed by a member of a legation the rules of public international law shall be observed.

ARTICLE VIII.

Crimes and offenses committed on the high seas, or on neutral waters, either on board a man-of-war or a merchant vessel, shall be investigated and punished according to the laws of the State to which the flag of the vessel belongs.

ARTICLE IX.

Crimes and offenses committed on board a man-of-war when in the waters of a foreign nation shall be investigated and punished by the courts of the State to which the vessel belongs, and according to its own laws.

The same rule shall be applicable to offenses committed outside the vessels by members of the crew thereof, or by persons employed on board the same, if the said crimes or offenses affect only the law or rule of discipline in force at the vessel. But when the crimes or offenses herein referred to, committed outside the vessel, were so committed by persons not belonging to the ship's company, then the jurisdiction to try the offenders shall belong to the State in whose territorial waters the vessel may happen to find itself.

ARTICLE X.

Crimes and offenses committed on board a man-of-war, or on board a merchant vessel, under the circumstances of Article II, shall be investigated and punished as provided by that article.

ARTICLE XI.

Crimes and offenses committed on board a merchant vessel shall be investigated and punished according to the laws of the State in whose territorial waters the vessel happens to be found.

ARTICLE XII.

Territorial waters are declared to be, for the purposes of jurisdiction, those which are comprised in a belt five miles wide running along the coast, either of the mainland or of the islands which form part of the territory of each State.

ARTICLE XIII.

Acts of piracy, as defined by public international law, shall be subject to the jurisdiction of the State under the power of which the offenders may happen to fall.

ARTICLE XIV.

Criminal prosecutions shall be barred by the statute of limitations of the country having jurisdiction to punish the offense. The expulsion of offenders shall be also governed by the laws of the same country.

TITLE II.—*On Asylum.*

ARTICLE XV.

No offender who has taken refuge in the territory of a State shall be surrendered to the authorities of any other State except upon demand of extradition and according to the regular course of proceedings established for that purpose.

ARTICLE XVI.

The asylum is inviolable for political offenders; but the State has the duty of preventing refugees of this kind from accomplishing within its territory any acts whatever which may endanger the public peace of the nation against which the offense was committed.

ARTICLE XVII.

Such persons as may be charged with offenses of non-political character, and seek refuge in a legation, shall be surrendered to the local authorities by the head of the said legation, either at the request of the secretary of foreign relations, or by his own movement. But for political offenders seeking for shelter at a legation, the legation shall be an asylum, and shall be respected as such. The head of the legation, however, shall be bound to give immediately, to the Government of the State to which he is accredited, information of what has happened; and the said Government shall have the power to demand that the refugee be sent away from the national territory in the shortest possible time.

The head of the legation shall, in his turn, have the right to require the proper guarantees to be given for the exit of the offender without any injury to the inviolability of his person.

The same rule shall be applicable to the refugees on board a man-of-war in the territorial waters of the State.

ARTICLE XVIII.

The provisions of Article XV shall not be applicable to deserters from vessels of war while in the territorial waters of a State.

Said deserters, whatever their nationality may be, shall be surrendered by the local authorities, upon the proper identification, whenever the legation, or if there is no legation, the consular officer of the respective country may ask for it.

TITLE III—*Extradition.*

ARTICLE XIX.

Every nation shall be bound to deliver up to each other such offenders as have taken refuge within its territory, whenever the following circumstances shall occur, namely:

(1) That the nation which asks for the delivery has competent jurisdiction to take cognizance and punish the offense with which the refugee is charged.

(2) That the offense, owing to its nature or gravity, authorizes the extradition.

(3) That the nation which demands the extradition has presented such documents as, under its own laws, authorizes the imprisonment and trial of the offender.

(4) That the action against the offender has not been barred by the statute of limitations, under the laws of the country which makes the demand.

(5) That the offender has not been punished for the same offense, and has not served his sentence.

ARTICLE XX.

The extradition shall be carried on in full, and in no case can it be hindered by the nationality of the offender.

ARTICLE XXI.

The offenses for which the extradition is warranted are the following:

(1) As to non-convicted offenders, those offenses which under the laws of the country which demands the extradition are punishable with a maximum penalty not less than two years' imprisonment, or another equivalent.

(2) As to convicted offenders, those offenses which are punishable with a maximum penalty of one year of imprisonment.

ARTICLE XXII.

No person shall be delivered up on extradition proceedings when the charge consists of any of the following offenses: Duel, adultery, libel, treason. But common, (non-political) offenses connected with any of the above named shall warrant the extradition of the offenders.

ARTICLE XXIII.

Political offenses, offenses attacking the internal or external safety of a State, or common offenses which are connected with them, shall not warrant the extradition.

The determination of the character of these offenses belongs to the nation upon which the demand of extradition is made; and that right shall be exercised under and according to the provisions of the law which should prove to be more favorable to the offender.

ARTICLE XXIV.

No civil or commercial action affecting the offender shall prevent the extradition from being accomplished.

ARTICLE XXV.

The extradition of the offender may be delayed as long as he may remain subject to the penal action of the State from whence he is asked; but the extradition proceedings shall not be interrupted for that reason.

ARTICLE XXVI.

Such offenders as may be delivered up on extradition proceedings, shall never be either tried or punished for political offenses, or for any acts connected with political offenses, previously committed.

But said offenders may be subject to trial and punishment in the country to which they were surrendered, upon consent of the State which surrendered them, for offenses which are extraditable which did not give foundation to the demand granted.

ARTICLE XXVII.

When the demands of extradition are several and are made for different offenses, the delivery shall be made to the nation against which the gravest offense was committed.

If the offenses are equally grave, then the delivery shall be made to the nation which first asked for it. But if all the demands are of the same date, the delivery shall be made according to the discretion of the Government which grants the extradition.

ARTICLE XXVIII.

If, after an offender is delivered up to a State, a new demand is made by another State for re-extradition, it shall be optional for the State which first granted the extradition to accede or not to the new demand, except in the case that the prisoner was set at liberty.

ARTICLE XXIX.

When the penalty for the offense with which the offender is charged is the penalty of death, the nation which grants the extradition may demand as a condition for the surrender the commutation of the sentence, and the imposition of the penalty next inferior in degree.

TITLE IV.—*Proceedings of extradition.*

ARTICLE XXX.

The demands of extradition shall be presented through the respective legations or consular offices, but if none has been established they shall be presented directly from Government to Government, and they shall be necessarily accompanied by the following documents:

(1) In cases of non-convicted offenders, by an authenticated copy of the statute, or provision of criminal law applicable to the offense on which the demand is based and of the warrant of arrest and other papers referred to in No. 3 of Article 19.

(2) In cases of convicted criminals, by an authenticated copy of the final sentence passed against the offender and the proper evidence that the condemned man was summoned and was either represented at the trial, or legally adjudged in *contumaciam.*

ARTICLE XXXI.

If the Government upon which the demand of extradition is made should deem the said demand to be unwarranted, owing to some defects of form, it shall return the papers to the Government which made it, with the proper explanation of the defects.

ARTICLE XXXII.

If the demand of extradition is made in due form, the Government upon which it is made shall transmit all the papers to the judge or tribunal of competent jurisdiction on the subject; and the said judge or tribunal shall order the arrest of the offender, if it is deemed proper, under the provisions of this treaty.

ARTICLE XXXIII.

Whenever, under the provisions of the present treaty, the arrest of the refugee is to be made, due notice shall be given to him, within the twenty-four hours next following to his arrest, of the causes and reasons for which he was arrested, and of the right which is vested in him under the following article.

ARTICLE XXXIV.

The prisoner shall be allowed, within the peremptory term of three days, to be counted from the date of his first examination, to object to his extradition on the following grounds:

(1) That he is not the same man to whom the demand of extradition refers.
(2) That the documents upon which the demand is based are not in due form.
(3) That the extradition is not warranted.

ARTICLE XXXV.

Evidence in support of his statements, whenever such evidence may be necessary, shall be admitted; and this admission shall be governed by the same rules, as far as relevancy and time are concerned, as are in force in the country where the proceedings take place

ARTICLE XXXVI.

After the whole evidence is on file, the judge or tribunal shall decide within ten days, and without any further steps, whether the extradition must or must not be granted.

An appeal can be taken against this decision to the court of final jurisdiction on the subject, within three days, and that court shall decide within five days.

ARTICLE XXXVII.

If the decision is in the sense that the extradition be granted, the tri bunal which rendered it shall give notice thereof immediately to the executive power, in order that the proper provision be made by it for the delivery of the prisoner.

If the decision is averse to the extradition, the judge or tribunal shall order at once the release of the prisoner, and shall give due information to the executive power by sending to it a copy of its decision.

If extradition was refused because the documents were not sufficient, the case shall be re-opened whenever the Government whose demand was refused presents new documents, or supplements those which had been presented before.

ARTICLE XXXVIII.

Whenever the prisoner may acquiesce to his being delivered up, the court shall, upon entering in due form the said acquiescence, render a decision granting his extradition.

ARTICLE XXXIX.

Every article or object found in the possession of the offender, and having anything to do with the offense for which the extradition takes place, shall be delivered up together with the prisoner.

Those which were found in the possession of third parties shall not be delivered up without the possessor thereof having been first given the proper hearing, and a decision being rendered upon his statements.

ARTICLE XL.

When the extradition is to take place by land, the Government which delivers up the prisoner shall be bound to take the latter to the frontier, either of the State which makes the demand, or of the State through which he has to be carried.

When the extradition is to take place by water, whether of the sea or of a river, the prisoner shall be delivered up to the agents of the other nations at the port of embarkation.

The nation which asked for the extradition shall always have the right to send one or more police officers for the proper custody of the prisoner; but the functions and power of said officers shall be subordinate to and dependent upon the authority of the police of the country which has made the delivery.

ARTICLE XLI.

Whenever the extradition of a prisoner has been granted but the delivery can not be actually accomplished without passing through the territory of another State, the latter shall grant permission to do so, upon no other requisite or formality than the exhibition, diplomatically, of the decree by which the extradition was granted, and of which an authenticated copy shall be put on file.

If the permission is granted, the provisions of paragraph 3 of the foregoing article shall be complied with.

ARTICLE XLII.

The expenses which may be incurred, owing to the demand of extradition until the moment of the delivery, shall be paid by the State upon which the demand is made; but all o hers incurred after that moment shall be paid by the Government which made the demand.

ARTICLE XLIII.

Whenever the extradition is granted, and the offender delivered up is not a convicted criminal, the Government of the nation to which the said offender was delivered up, shall be bound to communicate to the Government which granted the extradition the decision which may be rendered in the case or trial for which it was granted.

TITLE V.—*Of the preventive arrest.*

ARTICLE XLIV.

In cases of urgency the State upon which the demand of extradition is made, shall order the preventive arrest of the offender, if so asked by mail or by telegraph, by the State which makes the demand, on condition, however, that a sentence, or a warrant of arrest, against the said offender is positively asserted to have been issued, and the nature of the offense with which he is charged is clearly stated and defined.

ARTICLE XLV.

The person so arrested shall be set at liberty if within ten days subsequent to the arrival of the first mail sent after the date of the petition for the preventive arrest no formal demand of extradition is made.

ARTICLE XLVI.

In all cases of preventive arrest the responsibility thereof belongs to the Government which asked for it.

General provisions.

ARTICLE XLVII.

No simultaneous ratification of this treaty by all the contracting States shall be necessary for its validity. The State which approves of the treaty shall communicate its approval thereof to the Governments of the Argentine Republic and of the Oriental Republic of Uruguay, which shall give notice thereof to the other contracting States. This process shall take the place of an exchange.

ARTICLE XLVIII.

The exchange having been made in the manner provided for in the preceding article, the treaty shall remain in force for an indefinite period of time.

ARTICLE XLIX.

If any of the contracting nations should deem it advisable to discontinue its adhesion to the treaty, or should desire to make some modifications of its provisions, it shall be in its power to do so: *Provided*, That it gives notice of its intention to do so to the other parties; but it shall not be released from its obligation until after two years have elapsed after the notice aforesaid was given by it; and in these two years it shall endeavor to reach some arrangement on the subject.

ARTICLE L.

The stipulations of this treaty shall be applicable only to offenses committed during the time in which it has been in operation.

ARTICLE LI

The provisions of Article XLVII are applicable to the nations which have not attended this Congress, but wish to adhere to this treaty.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 188.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A resolution of the International American Conference for the erection of a tablet to commemorate the meeting of that body.

JULY 16, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing a resolution adopted by the International American Conference, for the erection of a memorial tablet in the diplomatic chamber of the Department of State, to commemorate the meeting of that body.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, July 15, 1890.

DEPARTMENT OF STATE,
Washington, July 15, 1890.

The PRESIDENT:

I have the honor to inform you that the International American Conference, recently in session at this capital, before its final adjournment, adopted the following resolution, proposed by the Hon. Salvador de Mendonça, a delegate from the Republic of Brazil:

Resolved, That all delegations here present, the United States delegation included, vote and provide the means to place, with the necessary permission, on the walls of the room in the Department of State, in which were inaugurated our sessions, a bronze tablet, which shall contain, above the roll of the delegations, the following inscription in the four languages of this Conference:

The nations of North, South, and Central America resolve that it be commemorated that in this room, on the 2d day of October, of the year 1889, James G. Blaine, Secretary of State of the United States, presiding, were opened the sessions of the International American Conference, which, besides other measures destined to promote the union and welfare of the peoples of this continent, recommended to them as a guaranty of peace, the principle of obligatory arbitration.

Respectfully submitted.

JAMES G. BLAINE.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 189.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

RELATIVE TO

The necessity for additional clerical force in the office of the First Comptroller.

JULY 18, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
July 17, 1890.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, a letter from the First Comptroller of the Treasury of this date, presenting the necessity for an additional force of four clerks of class one in his office.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., July 17, 1890.

SIR: The press of work is so great, and the necessity for an increase of the clerical force of this bureau so urgent, that I respectfully suggest that the attention of Congress be again invited to the matter in order that some provision may be made therefor during the present session.

The services of two experienced clerks are required incident to the taking of the Eleventh Census. One or two good clerks will also be required to perform the work involved in the settlement of the accounts of patent fees received, and copyright fees collected (which prior to 1889 were not settled in this Department), also the adjustment of accounts in connection with the appropriation for the World's Fair, and the salary and expense accounts of the clerks and special agents of the Pension Office, which will be much larger than usual owing to the increase of force in that bureau.

The items mentioned above are all new and additional to the work which has devolved upon the office during the last few years. The present force is insufficient to perform the ordinary work, which is very

much in arrears. With four additional clerks of a grade not lower than class 1 ($1,200), I think the current business of the office could be promptly disposed of, and, possibly, the work now in arrears brought up to date.

I understand that the bill to increase the force of the Pension Office has passed the House and is now before the Senate, and I have faith that if these suggestions meet your approval, and the matter is brought to the attention of Senator Allison, either by reference of this letter or independent recommendation, he will give the same prompt and favorable consideration.

Very respectfully,

A. C. MATTHEWS,
Comptroller.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 190.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

In response to a Senate resolution, July 14, 1890, a report of special agents who were instructed to investigate the manner in which sugars are classified.

JULY 19, 1890.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 18, 1890.

SIR: I have the honor to acknowledge the receipt of a copy of Senate resolution, dated the 14th instant, directing me to transmit to the Senate such reports of the Commission upon the valuation of sugar in the New York custom-house as have not already been so transmitted, and in reply, to herewith inclose copy of a report, dated the 23d ultimo, of Special Agents O. L. Spaulding, L. M. Montgomery, and W. S. Chance, who were instructed to investigate the manner in which sugars are classified at the port of New York. I also transmit copy of the report of Professor H. W. Wiley, the chemist whose services were called into requisition by the special agents named, and which accompany their report.

Respectfully yours,

W. WINDOM,
Secretary.

Hon. LEVI P. MORTON,
President United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., June 23, 1890.

SIR: Department letter of December 3 last, instructed us, among other things, "to investigate charges involving the integrity and fitness for his position of Dr. Edward Sherer, examiner in charge of the testing of sugars at the port of New York, as set forth in the inclosed report of Special Agent Holahan and T. A. Byrne, and accompanying papers."

Dr. Sherer had been removed from office April 1, 1888, and on his reinstatement September 19, 1889, the charges referred to had been revived.

We immediately entered upon the investigation and herewith submit our conclusions, with the testimony taken, amounting to nearly 3,000 folios. After some time spent in the examination of witnesses, the work was suspended pending certain expert investigations which have just been concluded.

A reference to the reports named which bear date respectively, January 30, 1888, and November 1, 1887, discloses the charges, substantially, to be two.

First. That Dr. Sherer while employed as examiner in charge of the testing of sugars in the Appraiser's Department at the Port of New York was also engaged in a business of a commercial or mercantile character contrary to the provisions of section 2941, Revised Statutes.

Second. That he so administered his office as to give occasion for the well grounded complaints of sugar importers and refiners at Boston, that the foreign sugar trade of that city had been diverted to New York by reason of the lower classification of sugars for duty, that obtained at that port, through improper and corrupt practices, particularly in the testing of sugars by the polariscope.

The first of these charges included two specifications; the one, that he, as a member of the firm of "Sherer Bros.," had engaged in testing sugars for the trade at a private laboratory, 122 Front street, New York; the other, that he had engaged in the manufacture of bronze powder.

Considering these specifications in their order, it appears that for some years prior to 1880, the brothers Edward and John A. Sherer had been engaged under the name of "Sherer Bros." in testing sugars for the trade at 122 Front street, and had established an enviable business and professional reputation. Tests of sugar certified by "Sherer Bros." were accepted with much confidence by the sugar trade. And it had come about that the term, or trade-mark, so to speak, "Sherer Bros." was believed to possess money value.

John A. Sherer retired from the business January 1, 1880, to accept the position of damaged sugar examiner in the appraiser's department at New York. The business was continued under the same style "Sherer Bros." by Edward Sherer till May 1, 1880, when he was appointed examiner in charge of the testing of sugars in the same department.

The business of "Sherer Bros." had proved remunerative in their hands and Edward Sherer had been mainly instrumental in building it up. It was a profitable business and he naturally desired to realize something from its sale. Its chief value lay in its good will, including the right to use the name of "Sherer Bros.," but this obviously was of no value except to a chemist.

A purchaser was found in an old acquaintance, Dr. Gideon E. Moore, a man of high character and a chemist of established reputation, doing business at 69 Liberty street, who at the time of purchase contemplated removing to Front street.

He however changed his purpose and himself continued in charge of the Liberty street laboratory, and committed the other to an assistant.

The terms of sale were expressed in a paper writing bearing date May 10, 1880, by which Edward Sherer transferred his interest in and the good will of the business, including the right to use the name "Sherer Bros." to Dr. Moore, for the sum of $4,000, to be paid in four equal annual installments of $1,000 each, the first to become due and payable May 1, 1881. Dr. Moore says the name was the principal thing of value transferred. It seems, however, to have been understood

that payments might be made at more frequent intervals, for we find that from time to time during the succeeding two years payments of considerable sums were made to Dr. Sherer.

At the expiration of this period Dr. Moore desired to be rid of the business, to which he was unable to devote his personal attention, and, with the consent of Dr. Sherer, he sold it to his assistant, William J. Rigney, who assumed the payment of the balance of the purchase price. Dr. Moore had paid Dr. Sherer $2,000, and says he had realized about $2,000 besides, out of which he had paid the expenses of the business. Dr. Sherer released Dr. Moore from his contract of purchase and also gave him two receipts of $1,000 each, bearing date respectively May 10, 1881, and May 10, 1882, to cover the various sums of money he had received. These receipts were, to quote Dr. Moore, to serve "as a memorandum of the time at which the balances in question were finally made up."

Mr. Rigney, after conducting the business about two years and making partial payments, became dissatisfied with and threw it up. It then came into the hands successively of John A. Sherer and one Eastman, and the former testified that the balance of the purchase price was subsequently paid to his brother.

John A. Sherer had been authorized by the appraiser to test damaged sugars at the Front street laboratory, and he was there almost daily during the time of Moore and Rigney, but there is no evidence that Edward Sherer in any way exercised or assumed to exercise any control over the business. The fair inference is, considering all the testimony, that he only sustained the relation of a creditor to it for the purchase price. It is undoubtedly true that he expected his payments to come from the earnings of the laboratory, and this fact, and the continued use of the name of "Sherer Bros.," would give some ground for the belief that the sale was only colorable. But we are not inclined to infer guilt from these circumstances in the face of statements to the contrary attested by the oaths of men of hitherto unquestioned veracity.

The theory of the charge is, as we understand it, that Dr. Sherer's official position afforded exceptional advantages to his private laboratory. Assuming this to be true, we should look for an increase of its business, but the reverse appears to have been the fact; indeed, Rigney would not continue it because he could not make it pay. It does not follow, as has been assumed, that Edward Sherer was a member of the firm of "Sherer Bros." in 1887 because he was in 1879.

The second specification rests upon the fact that Edward and John A. Sherer, with others, purchased a right to use a new process for making bronze powder, and entered upon experiments for its manufacture. It was in contemplation to form a joint stock company for its manufacture and sale, and a building was rented and machinery bought for this purpose. But it was found that the process would not produce bronze powder. They could not make it, consequently they did not sell it, and they lost the money they put into the venture. The evidence upon this point is conclusive. Whether Edward Sherer would have resigned his office or held it in violation of law if the enterprise had succeeded is a matter of conjecture. In our opinion it does not concern the purposes of this inquiry.

We are aware that our conclusions differ from those of Special Agent Holahan, an officer of high character, who possessed the confidence of the Department in a marked degree, but we have been afforded advantages in testimony not open to him in the limited time he devoted to his investigation. His relations to Dr. Moore were not such as to invite the

confidence of the latter, as is shown by his report. Dr. Harnish, a New York chemist, wrote him that "Sherer Bros." are testing sugars and molasses for the sugar trade, giving certificates for their professional services signed "Sherer Bros." He accepted this as evidence that Edward Sherer was engaged in private business as a chemist. Had he possessed the opportunities of further examination he would have learned, undoubtedly, as we did from Dr. Harnish, that he had no such knowledge; that he only knew that he had seen certificates of sugar tests to which were affixed the printed signature "Sherer Bros.," and the testimony shows that this was the use made of the name or term "Sherer Bros." by Dr. Moore and his successors.

Special Agent Holahan also cites an *ex parte* affidavit of one Dr. A. Grund, that he "has been informed by importers of sugar whose custom he has solicited that they (the importers) felt compelled to give their business to the Sherer Bros., because of their employment in the Government service; that because of this service deponent's business had been injuriously affected when deponent attempts to solicit custom." The report gives the names of three firms as the parties referred to by Dr. Grund. We could not examine Dr. Grund as he was in Europe, but were able to reach two of the firms named, and they positively denied his statement. One of them, referring to Dr. Grund, said:

> He never sought our business. We never declined to give it to him. It was not to our advantage to give it to Sherer Bros.

It is evident that Mr. Holahan was not possessed of some valuable and pertinent information.

The report of Mr. Byrne in this regard may be dismissed with the remark that it rests mainly on hearsay, and alleged statements of people who say he incorrectly reported them.

The second charge emanated from Boston, where we were assured abundant proof in its support was awaiting us. It had been formulated by Mr. Byrne in his report and was not wanting in specific detail. He had named the sugar importers and refiners of that city who, he said, had complained to him, as a newspaper writer, of too low assessment of duties at New York, and the consequent injury to their business.

The testimony of these gentlemen was taken by us at Boston and to our surprise it was an impeachment of his report. They even denied any conversation with him or accused him of a perversion of their language. Some of them said that some years since they had complained of the customs officials of the prevailing classification of sugars for duty at Boston, which were higher than at New York. They had complained of Dr. Leary's rigid tests at Boston, not of Dr. Sherer's liberal tests at New York. They denied the finding of the Byrne report that they were compelled to and did enter sugars at New York to obtain the advantage of lower classifications, and no witness cited us to an instance of this kind. They admitted the occasional purchases of duty-paid sugar at that port, but said that their own importations came to Boston direct, except beet sugars from Germany, which they sometimes imported at New York, not on account of lower duty but on account of lower ocean freights. They conceded to New York refiners an advantage in the matter of cheaper labor, fuel, water, freights, etc., and perhaps lower duties, but they denied that any or all of these causes had diverted the Boston sugar trade to New York.

One or two witnesses, however, not importers or refiners, asserted that it had been so diverted, and assured us that it was because of cor-

rupt practices in the assessment of duties at New York. But the assertion did not much impress us in the presence of predominating counter testimony, and especially in the light of the following official exhibit:

Total importations into the United States of dutiable sugars not above number 13, *D. S., from June* 30, 1884, *to July* 1, 1889.

Fiscal year.	New York.	Boston.	Philadelphia.	All other ports.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1884-'85	1,786,742,251	439,348,466	249,263,546	72,855,275
1885-'86	1,784,142,261	382,582,641	268,713,638	62,754,309
1886-'87	2,012,308,701	455,657,443	366,239,119	83,897,977
1887-'88	1,501,211,158	417,667,931	448,282,463	104,446,065
1888-'89	1,463,041,649	344,959,258	581,845,467	128,786,296

Per centum of sugars imported at ports named in each year.

Fiscal year.	New York.	Boston.	Philadelphia.	All other ports.
1884-'85	.701	.172	.097	.029
1885-'86	.714	.153	.107	.025
1886-'87	.689	.156	.125	.029
1887-'88	.608	.168	.181	.042
1888-'89	.581	.137	.231	.051

We find the evidence conclusive that the Boston importers did not import sugars at New York to obtain advantage of less duty; that the Boston importing trade was not diverted to New York; and finally that the Boston importers and refiners made no such complaints.

The fact remains, however, that in the years named the New York tests average lower than the Boston tests, as we believe they have ever since. There was some evidence that the difference arose in part, at least, from a variance in the standard quartz plates in use at the two ports. Our attention was thereupon directed to a certain quartz plate marked on its mounting 99½, concerning the value of which there has been much controversy, and about which experts still disagree. Its history in brief is as follows:

In August, 1885, the difference between the polariscopic sugar test of the two ports attracted the attention of the Department, and the subject was referred to Dr. Sherer for investigation, who visited Boston for a conference with Dr. Leary. He took with him an unmounted quartz plate in use in the New York laboratory, which was found to differ from the standard plate of Dr. Leary. Neither was willing to accept the other standard to the discredit of his own, and they separated without a reconcilation of the difference. It finally resulted that Dr. Sherer, by direction of the Department, purchased and sent to Dr. Leary the plate above referred to marked 99½. Scientific gentlemen tell us that the fraction is a decimal and is understood to mean between one-tenth and two-tenths. Dr. Leary assumes its value to be 99½ or 99.5, both from its marking and from his reading in his instruments. He advised Dr. Sherer of the value he ascribed to it, who replied that its value was between 99.1 and 99.2. This disagreement led the Department to refer the plate to the National Academy of Sciences for valuation, with the result that three experts of that body certified its mean value to be 99.05. Later it was referred to Prof. C. W. An-

drews, of Boston, who reported its value at 99.42. The opinion of Professor Andrews, we understand, was concurred in by Prof. Alvin Clark, of Cambridge. Dr. Leary stoutly insisted on his own estimate of the plate, confirmed as it was by Professors Andrews and Clark, but he at the same time admitted that if the lower value was the true one he at that time was reading too high.

The plate was subsequently deposited in the Department at Washington, and Dr. Leary adopted pure sugar as a standard in place of his old plate. At this stage of our investigation it appeared probable that a part if not all of the difference lay in the divergent standards of the two ports. The assured value of the plate marked 99½ thus became important, and we sent it to the makers, Schmidt & Haensch, of Berlin, for their certificate of value. They returned it after keeping it some four months with the following statement:

As to the "normal quartz plate," it seems that our number engraved on it is the correct one. Professor Dr. Landolt found it to be 99.12, and several other eminent professors came near it or had exactly the same. Only one gentleman who is in the sugar trade found it one-tenth less, but then these gentlemen find always a little lower than others.

Professor Wiley, chemist in chief in the Department of Agriculture, read the plate marked 99.9 in use at New York and the plate marked 98.8 in use at Philadelphia in substantial agreement with their marking; but his reading of plate 99½ differed from its marking and he reserved his opinion as to its value for a more thorough examination. While the weight of authority would seem to favor the lower reading, the true value of this plate is not wholly relieved of doubt.

At the time it was sent to Germany we were told that there was no marked differences in the tests in the two ports, and our inquiries therefore were directed to the time when this plate was supposed to have cut a figure in the work of the Boston laboratory. But before its return it was found to have lost much of its promised significance for the reasons hereafter given, and we dismissed it from further consideration.

We think it proper in this place to say that we find no evidence of improper treatment of this plate by Dr. Sherer. We do not find that he ever had it in his possession or in any control after he sent it to Dr. Leary. It is certainly in a foreign mounting and is certified by the makers, the importers, and several scientific gentlemen to whom it has been shown. We find no evidence nor did Mr. Byrne cite us to any in support of his statement on page 33 of his report that Dr. Leary received from Dr. Sherer a new quartz plate in American mounting, nor in support of his other statement made in a letter to the collector at Boston under date of May 8, 1888, that—

From information of which I am possessed I can unhesitatingly assert that the quartz plate which Dr Gideon E. Moore tested for Dr. Sherer, January 23, 1884, and reported in certificate (formerly noted) as of value at 94.4 (+) was the plate which Sherer subsequently forwarded to Boston after having it mounted in a tube marked in a vague manner as 99½.

In this particular, as in certain other features of our inquiry, proof did not wait on assertion.

The charges against Dr. Sherer antedated the Byrne report, and we were not much aided in proofs by those who made them. The most forward of his accusers expressed the opinion that for the last two years there had been substantial agreement in tests between the ports of New York and Boston. How far this opinion was justified by the facts will now appear. Early in our investigation, and as pertinent to it, we arranged with the appraisers at New York, Boston, and Philadelphia for

a daily interchange and test of samples. A sample from each port, or three in all, were rested daily in the several laboratories for three months. They were sent from the sugar rooms as a part of the current work, and no one in the laboratories knew which were the interchange samples. The sample drawn and tested at one port on a given day was tested at the other ports on the following day. If it be said that Boston and Philadelphia read New York samples higher than New York read them because of the difference in time of twenty-four hours, it is replied that for the same reason New York should have read Boston and Philadelphia samples higher than they were read at those ports. But a comparison of the daily results disclosed that the New York tests were lower than the Boston and Philadelphia tests, and so much lower in 114 instances out of 254 as to reduce the classification by one degree.

It was also shown that the Boston and Philadelphia tests were in substantial agreement, and that the latter port was not lower than New York, as had been asserted. Three private chemists in New York, Messrs. Habirshaw, Harnish, and G. Grund, were employed for a time to test three samples daily on the same days they were tested in New York. Dr. Habirshaw was recommended to us by Appraiser Cooper. He is a chemist of deservedly high standing, but does not make the testing of sugars a specialty. Drs. Harnish and Grund are, however, principally engaged in testing sugars for the New York sugar trade. The former was brought to our notice in the first instance as a witness, and the latter was recommended to us as a chemist of ability and integrity by a leading refiner. They were not informed that the samples came from the public laboratory, nor did either know that any other test than his own was being made. The mean of all their readings above New York was .533.

Some time later Professor Wiley tested seventeen samples from each port, or fifty-one in all, at his laboratory in Washington. The mean of his tests was about .1 of a degree above Boston, nearly .2 of a degree above Philadelphia, and about .65 of a degree above New York. They were made from one to two days later than the Government tests, and the changed conditions of the sugar would warrant somewhat higher readings, but not to the extent of .6 of a degree.

It is to be considered that as the duty is assessed on every degree and part of a degree a difference of .1 of a degree might affect the classification; thus 94.1 would be 95 and not 94 degrees in the assessment of duty, so that two persons reading the polariscope within the limit of .3 of a degree, recognized by the sugar regulations, might carry the same sugar into different classifications. But in a considerable number of tests the variations or allowable errors in reading should balance each other, and the mean of several readers, reading correctly, should be the same or differ not more than .1 or .2 of a degree. So as between the several ports, if reading correctly, the allowable errors should balance each other in the long run and produce substantial uniformity. But the striking feature of the case is that the New York tests are on a plane below that of the other ports and these planes never intersect, as is shown by the following exhibit:

New York below Boston and Philadelphia (1° in classification) on—

	Per cent.
28 out of 84 Boston samples	33.3
54 out of 86 New York samples	62.7
32 out of 84 Philadelphia samples	38.0
114 out of 254 samples	44.8

	Mean difference.
New York lower than Boston on—	
86 New York samples	.666
84 Boston samples	.527
84 Philadelphia samples	.561
254 samples	.584
New York lower than Philadelphia on—	
86 New York samples	.532
84 Boston samples	.395
84 Philadelphia samples	.404
254 samples	.443
Philadelphia lower than Boston on—	
86 New York samples	.134
84 Boston samples	.132
84 Philadelphia samples	.104
254 samples	.123
New York lower than Dr. Habirshaw on 22 samples	.478
New York lower than Dr. Harnish on 52 samples	.661
New York lower than Dr. Grund on 40 samples	.460

It was apparent that the mean difference between the tests of New York and of the other ports and the private chemists was a constant and practically uniform one of about five-tenths of a degree. They involved an inequality in the assessment of duties at the several ports of so grave a character as to demand an expert investigation. This was undertaken at your request by Professor Wiley. This selection we think was a fortunate one, as he was possessed of much experience in the testing of sugars, and beside was a stranger to the controversy. He visited the several laboratories, and the results of his investigation, which we believe was thorough and impartial, appear in his report herewith submitted.

It will be seen by reference to it that he finds the tests of Boston and Philadelphia approximately correct, with a tendency at Boston to read a shade high, while the tests at New York are too low by about five-tenths of a degree.

In concluding his report Professor Wiley says:

From a general study of all the data collected from the whole examination, and from all the ports, the following general conclusions are derived:

First. The ports of Philadelphia and Boston are valuing sugars at approximately the correct percentages.

Second. The port of New York is valuing sugars at approximately .5 of 1 per cent. too low.

In regard to the causes of this lower valuation, I can only state, in addition to what has been said above, that I am at a loss to understand whence it arises. As indicated above, from the tendency of the New York assayers to read too low, combined with a tendency to fill the flasks too full, I can account for approximately a difference of 3 per cent. between their readings and mine. What is the cause of the other .2 of 1 per cent of difference I was unable to discover.

* * * * * * *

The amount of work at the New York laboratory is approximately 100 samples a day, and this rapidity of work would doubtless cause variations in individual samples, but these variations would be both plus and minus, and in a large number of samples would not appreciably affect the mean result.

In my opinion, it is only just to ask that the valuation of sugars at the different ports should be the same, and there is no reason why this valuation should not be approximately correct. Uniformity in the valuation of sugar should be secured, but this uniformity should be an approximation to the correct value, and not one either higher or lower than the correct value. In the rapid work which is necessary at the custom-houses, it is not expected that each determination should be *scientifically* correct, but there is no reason why the instruments used should not

read practically the same numbers with the same solution, why the flasks should not be accurately calibrated, the tubes of proper length, and the operations of weighing, dissolving, and reading made with a fair degree of accuracy. In such work it is, of course, possible that the results obtained may sometimes be slightly above, and at others slightly below, the true value, but the mean result of a large number of examinations should be practically correct for the whole number of sugars examined. I know of no reason why the results of the examinations at the port of New York should not, as a whole, approximate the results of the same samples examined at Boston, Philadelphia, and in my laboratory, and the laboratories of other private chemists; and the fact that in a large number of samples, submitted to comparative examinations, such was not the case, is indicative to me that there is some radical defect in the method of examining sugars at the New York custom-house. If the numbers obtained in the laboratory at New York are correct, then those obtained in Boston and Philadelphia, and by me, are incorrect.

I have endeavored in the above examination to use every precaution, compatible with the amount of work which was to be done, and am fully satisfied that the results obtained by me are approximately the true ones.

* * * * * * *

A further discussion of the absolutely scientific method of graduating instruments, together with the measurements of angular rotation of the quartz plates which have been used for setting them, will be substituted at a later date when I have had time to complete the work.

It will be observed that Professor Wiley is unable to account for the lower New York tests except in part. In accepting his conclusion, we venture the opinion that they are largely, if not wholly, due to the tendency to low readings at New York. Dr. Sherer writes us that there are high and low readings of the polariscope. He believes that the Boston chemists are high readers. It may be that he is at the opposite extreme. Certainly he is .46 of a degree, in the mean, lower than the most conservative of the chemists we have consulted.

He says that his practice is to give the doubt to the importer. We suggest that this is an improper practice. The observer, at times, may doubt his readings, but his doubts are as liable to give plus as minus results. They would not always fall on the same side of the line. A doubt at best is an unsafe standard, and it certainly is not wise to foster one. If there is a tendency on the part of the observer to recognize a doubt always in the same direction, he is in danger of a gradual slipping away from accurate readings. He becomes the subject of a bias, perhaps an unconscious one, that in the end is likely to discredit his work. But whatever the difficulty may be, it should be amended. A comparison of the Boston and Philadelphia tests shows that substantial agreement is practicable. In the light of the testimony we believe that there should be a change in the methods of the New York laboratory, and that its tests should be "toned up" by an average of nearly .5 of a degree.

These conclusions do not necessarily reflect upon the personal integrity of Dr. Sherer. But the results show that he is not in accord with the other chemists named.

Whether his methods are scientifically better or not we do not decide, but the showing is against them. He himself, however, believes in in them, and it would be manifestly unjust to absolutely condemn him till the real cause of the difference is discovered, but enough is disclosed to demand a present change in the supervision of the New York sugar laboratory.

He is not amenable, however, to the charge that he has been, or is, a party to fraudulent practices, or has intentionally favored his own port or individual importers. He could not discriminate in favor of particular persons unless he knew whose sugars he was testing, and such knowledge could have come to him only through a conspiracy involving *other officials, of which* there is no evidence.

It is suggested, if not asserted, by Mr. Byrne, as we think erroneously, that Dr. Sherer and his associates knew the ownership of certain sugars which were sent in to be tested. On page 102 of his report, to support this view, he quotes the language of Examiner A. G. Remsen as follows:

> I have also heard the expression used "I suppose this is some of Burt's sugars" from the fact that I would send it down to the laboratory for test later in the day.

Referring to the testimony which he assumes to quote on page 21 of his exhibits Mr. Remsen's testimony will be found to be as follows:

> In the appraiser's store I have heard the expression used "I suppose this is some of Burt's sugar." It was said facetiously, as they supposed it to be such from the fact that I had sent it down late that day.

It will be noted that while the quotation in other respects is inaccurate he wholly omits the expression, "It was said facetiously." We asked Mr. Byrne how he came to drop this expression. He replied:

> Simply to note as near the facts without burdening the report, especially in view of what appears on page 102 of the report.

In thus declining to burden his report he adhered closely to the rule that seems to have controlled its construction. We recall few instances in which he allowed facts to embarrass conclusions.

It was said that Col. James Burt was the chief of a ring known as the "Burt sugar ring," and that he dominated the sugar division. It was asserted that certain employés were in this division through his influence; that some of them were his relatives; and that all aided him in defrauding the revenue. We have convincing testimony under oath that he did not contribute to their appointment; that some of them he did not even know; and that none of them were his relatives.

His frequent applications for retests, some of which were granted, has been cited as proof of his guilty control of officials in procuring low tests. If his influence was as potent as represented, it is not easy to understand why he needed to resort to retests. He could have had the first test to his satisfaction.

We do not believe he had undue or unusual favors extended to him, nor do we believe there was a Burt or any other sugar ring. There are street and bar room scandals to this effect, but of credible testimony there is none. There is no doubt that Colonel Burt was earnest in behalf of his clients, sometimes, perhaps, to the point of aggressiveness, but his methods were lawful ones. We can not learn that he came in contact with Dr. Sherer or in any way sought to influence his official acts.

In conclusion we take occasion to say that we find no evidence that the sugar examiners and samplers at New York have been or are parties to systematic frauds on the revenue.

On the whole, we believe that the Government is served with as honest purposes at New York as at other ports, and we have no doubt that its employés are as faithful to their trusts as are the employés of private parties, or the employés of the great corporations of the country.

Our letter-book, letters, and book of tests accompany the testimony.

Respectfully, yours,

O. Z. SPAULDING,
L. M. MONTGOMERY,
W. S. CHANCE,
Special Agents.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

REPORT ON THE RESULTS OF THE EXAMINATIONS OF THE METHODS OF ESTIMATING SUGARS IN THE CUSTOM-HOUSES AT BOSTON, PHILADELPHIA, AND NEW YORK.

On authority from the Secretary of the Treasury and the permission of the Secretary of Agriculture, the investigations, an account of which is to follow, were commenced in Philadelphia on the 13th of May, 1890.

The apparatus used in examining the methods employed in polarizing sugars at Philadelphia were as follows:

(1) A Schmidt & Haensch double compensation large model polariscope, capable of taking a 600^{mm} tube.

(2) A standard observation tube of glass, measuring at 24° 199.98^{mm}, and certified by the U. S. Geodetic and Coast Survey.

(3) Six sugar flasks, calibrated for holding 100^{cc}, without correction for weighing in vacuo.*

(4) Standard normal and semi-normal sugar weights (26.048 and 13.024^{g}).

Set with a normal solution of pure sugar the polariscope read 100° with the 199.98^{mm} tube. The black scale only was used, this being accurate at all points.

No attempt was made to verify the balances, weights, flasks, and tubes in use, this part of the work having been thoroughly gone over by Professor Andrews (see Sen. Doc., 2d Sess., 50th Cong., pp. 179, *et seq.*).

The object of the investigation was to see whether the ratings of the samples of sugar submitted for examination were reasonably fair and as accurate as can be expected from the nature of the apparatus employed and the necessities of custom-house work.

It would be evidently useless and impracticable to introduce into custom-house processes the methods of exact science, requiring for their execution more time and more elaborate appliances than are at the command of custom-house chemists.

The preliminary work consisted in the careful examination of several quartz plates; since, however, the object of the investigation was not to measure the quartz plates, and inasmuch as this work is not completed, the result of these measurements are withheld and will be given in a supplementary report.

POLARIZATION OF SUGARS IN THE CUSTOM-HOUSE LABORATORY.

Errors which may arise in the valuation of sugars can come from the following sources:

(1) Incomplete sampling.
(2) Defective balances and careless weighing.
(3) Wrongly calibrated flasks.
(4) Tubes of incorrect length.
(5) Erroneously graduated polariscopes and careless reading.
(6) Faulty methods of clarification.
(7) Personal error.

These various topics having been thoroughly investigated by Professor Andrews and others, I addressed my own investigation to the actual polariscopic readings.

* See note on weighing vacuo.

AT PHILADELPHIA.

In general I would say that the weighings appear to be done as accurately as is necessary for the practical examination of sugar. All the operations were conducted with neatness and dispatch, and I saw much to commend and little to criticise. The color instrument in use in this laboratory, however, was not placed in a horizontal position, the eye-piece being fully one half inch lower than the object glass. On this defect being pointed out it was at once remedied. For the purpose of control the following plan was adopted:

Mr. Glover, having made his readings, the results of which were unknown to me, the tube was transferred to my instrument and read; on Wednesday by me alone, and on Thursday both by myself and my assistant, Mr. McElroy. In this way two or three wholly independent readings were secured for each tube, and this process was repeated with the duplicates. The same solution was then placed in my 199.88^{mm} tube and read independently, as above indicated. The following are comparisons of the readings by Mr. Glover and myself:

Readings of May 14, 1890.

Readings.	Glover's tube.	Wiley's tube.
Readings of May 14, 1890:	*Means.*	*Means.*
By Glover	90.96	90.95
By Wiley	91.05	90.83
Readings of May 15, 1890:		
By Glover	89.40	89.43
By McElroy	89.40	89.40
By Wiley	89.41	89.40
Readings from duplicate weighings of foregoing samples:		
By Glover	90.41	90.49
By McElroy	90.39	90.46
By Wiley	90.44	90.43

DISCUSSION OF THE DATA.

It is understood that all the readings by Mr. Glover were made on the Scheibler color instrument in use in the Philadelphia laboratory. The readings by Mr. McElroy and myself were made on the Schmidt & Haensch double compensating shadow, using the black scale only. Each observer entered his readings on his own notes, and the utmost care was exercised to prevent either one of the observers from knowing the readings of the others. The readings are, therefore, entirely independent of bias. The most striking feature of the data is the almost perfect agreement of the numbers, especially of the last day's work.

In the second day's readings, the first recorded here, the agreement between Mr. Glover and myself is good. I read his tube 0.07 higher than he, while he read mine 0.13 higher than I. My readings of my tube compared with his readings of his show a mean difference of 0.12; while his readings of his tube compared with his readings of mine show a mean difference of 0.01.

In the third day's work, where all three sets of readings are found, the agreement is even more striking. The means are almost identical, and the individual differences are none or only slight.

The greatest difference between any single reading by Mr. McElroy and myself is only 0.2, and the greatest difference between Mr. Glover and Mr. McElroy 0.3 and between Mr. Glover and myself 0.4. In ex-

planation of this agreement, however, I should say that I asked Mr. Glover (who has no one to help him weigh and polarize) not to try to do the whole number of sugars sent in, but only ten of them.

We were, therefore, at leisure to make more careful observations than before. Mr. Glover also used three of his selected tubes instead of the miscellaneous lot employed in the previous comparisons.

The comparative work shows that the Philadelphia readings, when not made with undue haste, are perfectly fair and should be accepted as satisfactory, both by customs officials and importers. In the great rush, however, in which one man must always be to do the work, occasional variations may occur, but these, while they should be avoided, are not of a serious nature. Mr. Dickeson, the chief assayer of the port, was absent by reason of illness, and a more unfortunate time for comparative work could hardly have been chosen. No less than four skilled assayers should be employed to do properly the amount of work coming in while I was in the laboratory.

The previous comparative work from samples in Philadelphia having shown that their results were very nearly those obtained by me in my laboratory in Washington, it was not deemed necessary to make a series of comparative determinations from our own weighings. Had a longer time been permitted, however, this would have been done; but it was deemed advisable, as soon as the comparative readings of the tubes were finished, to transfer the work to the Boston custom-house.

AT BOSTON.

The examination of the work at Boston was commenced May 16. Two assayers were at work, viz, Messrs. Leary and Soule. The apparatus employed by me was the same as at Philadelphia. The work was commenced by comparing normal weights of sugar, taken by Mr. McElroy, and made up in our standard flasks with those weighed out in half normal quantities by Messrs. Leary and Soule.

Twelve samples were compared by a cross-reading of the tubes of the Boston assayers, with the following results:

Means by Leary	94.49
Means by Soule	94.52
On Leary's tube, results obtained by McElroy were	94.57
On Leary's tube, results obtained by Wiley were	94.57
On Soule's tube, results obtained by McElroy were	94.57
On Soule's tube, results obtained by Wiley were	94.58

Leary is .08 below Wiley, .08 below McElroy, and .03 below Soule; Soule is .06 below Wiley, .05 below McElroy, and .03 above O'Leary.

The means of other readings at Boston were as follows:

Means of the reading of ten samples from Dr. Leary's flask and tube.

Read by Leary	91.82
Read by McElroy	91.63
Read by Wiley	91.67

Means of the same samples from Mr. Soule's flask and tube.

Read by Soule	91.74
Read by McElroy	91.55
Read by Wiley	91.61

In the above samples Leary is .15 above Wiley on Leary's flask and tube, and .19 above McElroy on Leary's flask and tube. Soule is .13 above Wiley on Soule's flask and tube and .19 above McElroy on Soule's flask and tube.

On May 17 three samples were examined in the following way:

The samples were weighed by Messrs. Leary and Soule in the usual way and the same samples were also weighed by Mr. McElroy and made up in our standard flasks. These tubes were all cross read by the various observers with the following results:

	Leary.	Soule.	McElroy.	Wiley.
Wiley's flask and tube	94.93	94.90	94.90	95.00
Wiley's flask and Leary's tube	95.03	.....	94.90	94.97
Wiley's flask and Soule's tube	.....	94.90	94.90	94.93
Leary's flask and tube	94.77	94.77	94.70	94.67
Leary's flask and Wiley's tube	94.73	94.67	94.60	94.70
Soule's flask and tube	94.83	94.87	94.80	94.80
Soule's flask and Wiley's tube	94.87	94.93	95.03	95.03
General means	94.86	94.84	94.83	94.87

It is seen that the general means agree well together, with the exception of the weighings made by Mr. Leary. In all the tests in this series made from the weighings made by Mr. Leary the readings are low by about .2 of a degree. Inasmuch as only three samples were tested in this way, it is possible that this may have been an accidental variation; and this is the more likely when it is considered that in the first day's work the results of Mr. Leary were somewhat higher than those obtained by the others, so that taking the two days together it makes them almost the same.

In addition to the above twelve samples were compared directly as follows:

The twelve samples were weighed and made up in the Boston flasks and read in the Boston tubes by Messrs. Leary and Soule in duplicate as in ordinary work. The tubes of each were then read by Mr. McElroy and myself. The mean results are as follows:

With Leary's flask and tube:
- By Leary 94.49
- By McElroy 94.57
- By Wiley 94.57

With Soule's flask and tube:
- By Soule 94.52
- By McElroy 94.57
- By Wiley 94.58

Another reading of three comparative samples was made on the following day, being weighed by Leary and Soule in duplicate, according to the usual method, and also weighed by McElroy and made up in our standard flasks and the tubes cross read with the following results:

With Wiley's flask and tube:
- By Leary 94.00
- By Soule 93.97
- By McElroy 93.77
- By Wiley 93.90

With Wiley's flask and Leary's tube:
- By Leary 93.97
- By McElroy 93.80
- By Wiley 93.80

With Leary's flask and tube:
- By Leary 93.90
- By McElroy 93.70
- By Wiley 93.67

From Leary's flask and Wiley's tube:
- By Leary 93.90
- By McElroy 93.60
- By Wiley 93.67

In the above reading Leary is .10 above Wiley on Wiley's flask and tube and .23 above McElroy on Wileys flask and tube, .17 above Wiley on Wiley's flask and Leary's tube and .17 above McElroy on Wiley's flask and Leary's tube. Soule is .07 above Wiley on Wiley's flask and tube, .20 above McElroy on Wiley's flask and tube, .13 above Wiley on Wiley's flask and Soule's tube, and .13 above McElroy on Wiley's flask and Soule's tube.

On the third day of the examination only one sample of sugar was read in complete comparison. The sample was weighed out in triplicate by Leary, Soule, and McElroy, and the tubes cross read by each of us, making six separate readings for Leary and Soule and seven for McElroy and myself. The results were as follows:

	Means.
Leary	95.43
Soule	95.41
McElroy	95.37
Wiley	95.40

The readings in the above are practically identical, although the slight tendency of Leary and Soule to read a shade too high is again manifest.

In addition to the sugars, one sample of molasses was weighed in triplicate by Messrs. Leary, Soule, and McElroy and read as follows:

By Leary, from Wiley's flask and tube	53.3
By Soule, from Wiley's flask and tube	53.1
By Soule, from Wiley's flask and tube	53.1
By Soule, from Soule's flask and tube	53.0
By McElroy, from Wiley's flask and tube	53.6
By McElroy, from Soule's flask and tube	52.8
By Wiley, from Wiley's flask and tube	53.6
By Wiley, from Soule's flask and tube	52.9

Another sample of molasses was read with the following results:

Leary	49.4 49.3
Soule	49.3 49.2
McElroy	49.0
Wiley	49.1 49.2

A sample of approximately pure sugar was also read with the following results:

Leary	99.95 99.94
Soule	99.98 100.00
McElroy	100.01 99.90
Wiley	100.00 99.99

As a general result of the examination at Boston it appears that there is a tendency on the part of the observer at that point to read a shade too high, but this does not amount in the mean readings to .1 of 1 per cent. In the comparative readings, which will be given further on, of the samples sent to my laboratory during February and March it was shown that the Boston readings were about .1 of 1 per cent. too low. In general, therefore, it may be said that as nearly as the results of the whole examination can determine the Boston readings are approximately correct.

The amount of work at Boston does not appear to be so great as at Philadelphia, and two chemists appear to be sufficient for all the readings.

EXAMINATION IN NEW YORK.

It having been indicated by the examinations in my laboratory in February and March that the New York readings were decidedly too low, it was thought best to give the work in New York a more thorough examination than was given at either of the ports previously visited.

For this purpose I was instructed to procure a private laboratory for use for a few days for conducting a series of comparative examinations with the New York custom-house laboratory before moving my apparatus to the laboratory itself. Prof. C. F. Chandler, of the Columbia School of Mines, kindly placed his laboratory at my disposal, and in the work which was done I was greatly indebted to him and Dr. G. A. Gudeman for many courtesies. In all, seventy-two samples were tested in the private laboratory of Professor Chandler, the weighings being made by Mr. McElroy and the tubes being read in duplicate by him and by me.

On the 22d of May twenty-four samples were examined, numbered 635 to 658, inclusive. The mean of the readings by Mr. McElroy was 92.66 and by me 92.69. In the evening of the same day the report of the same samples read by the New York custom-house was received in duplicate, the means being 92.04 and 92.12. On the 23d of May twenty-four samples were examined, numbered 734 to 757, inclusive. The means obtained were as follows:

McElroy	94.19
Wiley	94.16
Custom-house duplicates	93.50 93.63

On the 24th two sets of samples were examined, the first set numbered 660, 663, 664, 667, 668, 680, 691, and 695. These were samples which had been classified at the custom-house on the even degree. The mean results of the readings are as follows:

McElroy	89.04
Wiley	88.03
Custom-house duplicates	88.50 88.45

The second set of twelve samples was examined on the same day, numbered 824 to 835, inclusive. The means of the readings are as follows:

McElroy	96.51
Wiley	96.51
Custom-house duplicates	96.04 96.10

The mean reading of the seventy-two samples by Mr. McElroy and myself was .57° higher than the mean reading at the custom-house.

On the 26th of May my apparatus was removed to the New York custom-house and comparative readings were made for three days with the sugar assayers of the port. The mean results for the three days' work, expressed in differences of reading, are as follows:

All differences show the custom-house readings lower than mine with the exception of one marked *.

First day:	Mean difference.
First six samples	.13
Second six-samples	.47

	Mean difference.
Second day:	
First six samples	.33
Second six samples	.20
Third six samples	*.04
Third day:	
First three samples	.40
Second six samples	.18
Third six samples	.56
General mean	.27

In addition to the above readings solutions of pure sugar were read as follows:

First set:	
Mean of the readings of McElroy and Wiley	99.90
Mean of custom-house reading	99.63
Mean difference	00.27
Second set:	
Our mean reading	100.05
Custom-house mean reading	99.78
Mean difference	00.27

24.747 grams of pure sugar, equivalent to 95 per cent., were next assayed with the following results:

Our mean reading	95.01
Custom-house mean	94.86
Mean difference	00.16

24.141 grams of sugar, equivalent to 85 per cent., were next assayed with the following results:

Our mean reading	85.00
Custom-house mean	84.85
Mean difference	00.15
General mean difference	00.21

Approximately pure sugar was next given to each of the four assayers of sugar in the laboratory who were required to weigh the same on their own balances, make up in their own flasks and read from their own tubes, and the results obtained were as follows:

C	99.90
L	99.80
B	99.70
R	99.70
Mean	99.78
Mean difference from theory	00.22

From the above results, together with all the cross readings which were made at the New York port, it appears that there is a uniform tendency in the New York assayers to read about .2 of a degree too low. I also noticed what I thought to be a habit of overfilling the flasks, which, of course, would diminish still further the readings of the polariscope.

I append here the results of the examination of seventeen samples of sugar received from each of the ports of Boston, New York, and Philadelphia, polarized in my laboratory at Washington in February and March of this year:

Seventeen Boston samples:	
Boston result	95.18
New York result	94.62
Philadelphia result	95.09
My result	95.35
Seventeen New York samples:	
Boston result	96.43
New York result	95.80
Philadelphia result	96.37
My result	96.41

Seventeen Philadelphia samples:	
Boston result	96.88
New York result	96.43
Philadelphia result	96.86
My result	97.05
General means of all samples:	
Boston	96.16
New York	95.62
Philadelphia	96.10
Wiley	96.27

From a general study of all the data collected from the whole examination and from all the ports, the following general conclusions are derived:

First. The ports of Philadelphia and Boston are valuing sugars at approximately the correct percentages.

Second. The port of New York is valuing sugar at approximately .5 of 1 per cent. too low.*

In regard to the causes of this lower valuation, I can only state, in addition to what has been said above, that I am at a loss to understand whence it arises. As indicated above, from the tendency of the New York assayers to read too low, combined with a tendency to fill the flasks too full, I can account for approximately a difference of .3 per cent. between their readings and mine. What is the cause of the other .2 of 1 per cent. of difference I was unable to discover.

The detailed data of all the above examinations are in my possession, but I did not think the committee wished to be burdened with the details, but only with the general results.

The amount of work at the New York laboratory is approximately 100 samples a day, and this rapidity of work would doubtless cause variations in individual samples, but these variations would be both plus and minus, and in a large number of samples would not appreciably affect the mean result.

In my opinion, it is only just to ask that the valuation of sugars at the different ports should be the same, and there is no reason why this valuation should not be approximately correct. Uniformity in the valuation of sugars should be secured, but this uniformity should be an approximation to the correct value and not one either higher or lower than the correct value. In the rapid work which is necessary at the custom-houses, it is not expected that each determination should be scientifically correct, but there is no reason why the instruments used should not read practically the same numbers with the same solution, why the flasks should not be accurately calibrated, the tubes of proper length, and the operations of weighing, dissolving, and reading made with a fair degree of accuracy. In such work, it is of course possible that the results obtained may sometimes be slightly above, and at others slightly below the true value, but the mean results of large numbers of examinations should be practically correct for the whole number of sugars examined. I know of no reason why the results of the examinations at the port of New York should not, as a whole, approximate the results of the same samples examined at Boston, Philadelphia, and in my laboratory and the laboratories of other private chemists; and the fact that in the large number of samples submitted to comparative examinations, such was not the case, is indicative to me that there is some radical defect in the method of examining sugars at the New York custom-house. If the numbers obtained in the laboratory at New

* See note on weighing in vacuo.

York are correct, then those obtained in Boston and Philadelphia and by me are incorrect.

I have endeavored in the above examinations to use every precaution, compatible with the amount of work which was to be done, and am fully satisfied that the results obtained by me are approximately the true ones. I am, however, willing at any time to change my methods of analysis if I am shown that they are erroneous, and it is nothing more than proper that each analyst in the employment of the Government should do the same.

Respectfully,

H. W. WILEY,
Chemist.

Messrs. O. L. SPAULDING,
L. M. MONTGOMERY,
W. S. CHANCE.

NOTE ON WEIGHING IN VACUO.

According to Landolt, the calibration of sugar flasks is accomplished by weighing a quantity of distilled water at a given temperature, usually 17°.5 of such a value as to measure 100^{cc}. He adds: "The correction for weight in vacuo is here disregarded." For the temperature named the weight of water required is 99.875 grams.

My flasks were graduated at a temperature of 24°. The weight of water required for 100^{cc} at that temperature is 90.7367. If the specific gravity of pure sugar and water were the same no correction for weighing in air would be necessary for a given volume of sugar and water. The sugar weighed would then displace 26.048^{cc} of air and the water 100^{cc} of air, and a correction applied to both would tend to diminish proportionately both the quantity of sugar and water employed, so that the concentration of the solution, *i. e.*, the quantity of sugar per cubic centimeters would be unchanged.

Sugar, however, is 1.58 heavier than water, so that the volume of air displaced by 26.048 grams of pure sugar is only 18.4^{cc}. 99.736 grams of water weighed in air would weigh 99.8417 grams in vacuo. Hence the volume of the flask used was $99.7367 \div 99.84.17 = 100 \div x$; whence, $x = 100.15^{cc}$.

In like manner the actual weight of sugar used would be, in vacuo, 26.064 instead of 26.048. Then each cubic centimeter of the solution contained $26.064 \div 100.15 = .26024$ grams of pure sugar instead of .26048. Then the polarization would be deduced from the following formula:

$$26.048 \div 26.024 = 100 \div x.$$

Whence, $$x = 99.91.$$

The general mean of the polarizations of pure sugar used by Mr. McElroy and myself is almost exactly 100°; which leads me to believe that the instrument was originally set without correction for weight in vacuo. In case, however, it should prove that the instrument was set with corrections for vacuo then our mean readings, both on pure sugar and on all other samples were 0°.09 too high. On this assumption the readings of the New York custom-house are only 0°.4 too low, and the mean readings of Boston and Philadelphia would be nearly 0°.1 too high.

It is stated by Andrews that Schmidt & Haensch graduate their flasks by the Mohr flask instead of the true cubic centimeter flask. If this should be the case then still another correction would have to be made.

In that case, however, the correction could not be a very great one and would not appreciably affect the results. It must be remembered that the determinations have been made independent of any question of graduation since they have been direct comparisons of the readings of pure sugar under given conditions with the sugars of the custom-house under the same conditions. I have thought that possibly the difference in the graduation might account for the difference of a little over .2 between the readings of Dr. Sherer's experts and my own, and this, if pointed out, would enable the New York Custom-House to correct their readings by adding .2 thereto. I have made a re-determination of the pure sugar used as a standard during the progress of the work under more favorable conditions and the result of this re-examina-

tion shows that this sugar polarized 99.92 on the scale used in the determinations with an angular rotation of 34.52, whereas absolutely pure sugar would have p iscopic reading of 100 and an angular rotation of 34.55.

I have also made a comparison with a new preparation of sugar made from candy which shows that the sugar used was practically pure. On account of lac time I am not able to report the results of the examination of the sugar, except in the pure sugar made by me by a single crystallization from alcohol, the polariza was slightly less than that of the pure sugar employed.

The result of this re-examination shows without doubt that the valuations whi have placed on the sugars examined have not been too high and establishes the that, compared with the readings of pure sugars, the valuations of the New custom-house are certainly four-tenths and probably five-tenths too low.

A further discussion of the absolutely scientific method of graduating instrum together with the measurements of angular rotation of the quartz plates which been used for setting them will be submitted at a later date when I have had ti complete the work.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 191.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In response to resolution of July 3, 1890, a letter of General Franklin relative to the manufacture of articles at the Military Home.

JULY 22, 1890.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, July 22, 1890.

SIR: I have the honor to inclose a copy of the report of General William B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, dated the 16th instant, relative to the manufacture of articles at certain branches of the Home, in response to resolution of the Senate dated the 3d instant, as follows:

Resolved, That the Secretary of War be directed to inform the Senate whether the manufacture of articles which come in competition with private enterprise is being carried on at any of the national military homes, and if so, the reasons and authority for such.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE SENATE.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Hartford, Conn., July 16, 1890.

SIR: I respectfully acknowledge the receipt of Senate resolution of July 3, referred to me.

Sometime before the year 1880 the Board of Managers carried on the manufacture of shoes at the Eastern Branch, at Togus, Me., under the officials of that branch. At the Central Branch, near Dayton, Ohio, at the same time the manufacture of cigars was extensively carried on under the same authority.

In 1880 and 1881 these manufactures were closed by the Board of Managers on the ground that they were a source of considerable loss to the Home, and the plants were sold. Since 1882 the woolen clothing of the Home, except caps and woolen undershirts, has all been made at the Central Branch, at Dayton, Ohio, the materials being purchased by contract with the lowest bidder after due advertisement. The manufacture of

sheets, pillow covers, and under clothing has been carried on at the Northwestern Branch, near Milwaukee, for certainly as long a time, the materials being procured under the same conditions.

At the Southern Branch, near Hampton, Va., the manufacture of mattress covers has been carried on for about five years under the same conditions. In all these cases the labor was and is performed by the members of the Home and the wives and children of such members as far as is practicable. The expenses are met by the appropriations for clothing and bedding for the Home.

About one year ago the Board of Managers authorized the purchase by the post fund of the Western Branch of a plant for the manufacture of brick of a peculiar kind (vitrified brick for paving), a bed of clay suitable for the purpose having been discovered on the Home grounds, the labor—except the skilled labor—to be performed by the members of the Home, all of the employés to be paid by the post fund, and at the price of 40 cents per diem for the unskilled labor, a price which it is supposed will bring the cost of the product up to about what it is outside, as the labor of the crippled men of the Home is by no means as valuable as that of able-bodied laborers outside. In this connection it may be well to mention that this industry is not new at that branch of the Home, as all of the buildings are constructed of brick made from clay taken from the Home grounds, and, where it was possible, the labor of the members was utilized and was paid for to the members by the contractor.

The above are all the manufactures that are carried on by the Home. I therefore report that "the manufacture of articles which come in competition with private enterprise" is carried on at the Central, Northwestern, Southern, and Western Branches of the National Home.

The reasons for carrying on such manufactures are:

(1) The articles so manufactured for the Home are better and cheaper than they can be obtained by any other means.

(2) That a large number of members and their families are in consequence usefully employed, and eke out their scanty means by wages received for useful labor.

The Board of Managers considers that it has the authority to carry on these manufactures, because it is its duty to obtain the supplies of the Home of the best quality and at the cheapest rate, and the process adopted attains that end. The military branches of the Government pursue the same plan.

It is also the duty of the Board to do what it legally can to ameliorate the lot of the disabled soldiers under its care, and therefore to give them proper employment when it can do so without detriment to the United States. It is a constant reproach to the Home that its members are idle, and therefore unhappy. A desire to do what can be practically done to relieve the Home from this reproach is one of the principal reasons that actuated the Board in undertaking these manufactures.

In authorizing manufactures by the post fund the Board was also actuated by the motive of increasing that fund. The manufacture of brick not only gives employment to many of the members, none of whom are obliged to work unless they choose, but also, if it be a success, it will aid materially to the comfort of the men. This fund accrues from the profits upon the sales of beer, tobacco, and other articles purchased by the members from the Home store, and these profits are devoted to the improvement of the ration, and to various other ob-

jects, such as theatrical and operatic entertainments, concerts, lectures, payments to the band beyond what can be properly paid from the appropriation for the Home, church music, and anything else that will add to the comfort of the members the cost for which is not properly chargeable to the appropriations by Congress.

Respectfully, yours,

W. B. FRANKLIN,
President.

Hon. REDFIELD PROCTOR,
Secretary of War,
Washington, D. C.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 192.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication from the Commissioner of Indian Affairs, recommending the amendment of the law relative to certain intruders upon Indian reservations.

JULY 25, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, July 24, 1890.

SIR: I have the honor to transmit herewith copy of a communication of 21st instant, from the Commissioner of Indian Affairs, and letter of United States Indian Agent Bennett, of the Union Agency, Indian Territory, recommending for reasons given the amendment of section 2148 of the Revised Statutes so as to make persons returning to an Indian reservation, after they have been once removed therefrom as intruders, liable to a penalty of fine or imprisonment, or both, instead of a penalty of fine simply as now provided; and also a draught of a bill amending the statute as suggested.

Concurring in the recommendation of the Commissioner, the matter is presented with request for the favorable consideration of Congress.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 21, 1890.

SIR: I am in receipt of a letter of June 19, 1890 (copy herewith), from Agent Bennett, of the Union Agency, Indian Territory, recommending the amendment of section 2148 of the Revised Statutes so as to make persons returning to an Indian reservation, after they have been once removed therefrom as intruders, liable to a penalty of fine or imprisonment, or both, instead of a penalty of fine simply as now provided.

The agent says that the law as it now stands is rendered inoperative by the fact that intruders in the Indian country are generally of a class which is financially irresponsible, and from whom the penalty of $1,000

can not be collected; that nearly every intruder who has been removed in the past five years has returned and in many instances is back on the reservation before the officer making the removal.

There are a great many intruders on the lands of the five civilized tribes of Indians in the Indian Territory whose removal has been repeatedly and persistently requested by the authorities of those tribes.

Authority has been granted by the Department for the removal of intruders from the Chickasaw Nation, but it would seem almost unnecessary to undertake the execution thereof, unless there is some penalty provided by law that can be imposed on those intruders who return to the Indian country after their removal which will have the effect to prevent these people from coming back to the Nation after they have been put off.

Agent Bennett recommends that the penalty be fixed at imprisonment for not less than thirty nor more than ninety days, or a fine of not less than $100 nor more than $500, or both, in the discretion of the court, the fine, if not paid, to be served out in imprisonment at the rate of $1 per day until satisfied, with the additional provision that if, after serving the penalty imposed, the offender remains in the Indian country more than twenty days, he shall again be liable to prosecution and to a repetition of the punishment.

In order to enable the Government to fully carry out the promises made in its treaties with the various Indian tribes with regard to the removal of intruders from their respective reservations the legislation recommended by Agent Bennett, in my opinion, should be adopted, and I have prepared a draught of a bill amending the statutes as suggested by Mr. Bennett, which I have the honor to inclose herewith in duplicate and to recommend that it be transmitted to Congress with a request for its favorable consideration thereof.

A bill (S. 1055) to amend this statute so as to impose the punishment of imprisonment on persons who return to an Indian reservation after they shall have been removed, passed the Senate during the first session of the Forty-ninth Congress (Congressional Record, Vol. 17, p. 1556), and a similar bill (H. R. 8005) was introduced by the Committee on Indian Affairs in the House of Representatives during the first session of the Fiftieth Congress (Congressional Record, Vol. 19, p. 1703), but neither measure became a law.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muskogee, Ind. T., June 19, 1890.

SIR: Referring to previous correspondence relative to the removal of intruders from the Chickasaw country, I have the honor to recommend the repeal of section 2148, Revised Statutes, and an enactment in lieu thereof providing for the imprisonment of any person who, having been removed from the Indian country, shall thereafter return or be found in such country.

The present penalty of $1,000 fine for returning to the Indian country after removal is a dead letter, and so far as I am advised has never been enforced, because the class of persons who are removed have no money with which to pay the penalty. Nearly every person that has been removed for the past five years has returned, and in many instances is back before the officer effecting the removal. In my judgment the penalty for returning after removal should be an imprisonment of not less than thirty nor more than ninety days, or a fine of not less than $100 nor more than $500, or both at the discretion of the court. Said fine, if not paid, to be served out in jail

at the rate of $1 per day. Also at the expiration of such imprisonment the party should be given twenty days to remove from the country, failing in which, the fine and imprisonment should be repeated.

The act should state specifically that any United States court in the Indian Territory shall have jurisdiction, upon complaint of the United States agent, to try the case and assess the penalty.

Very respectfully, your obedient servant,

LEO. E. BENNETT,
United States Indian Agent.

The Commissioner of Indian Affairs, Washington, D. C.

A BILL TO AMEND SECTION 2148 OF THE REVISED STATUTES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2148 of the Revised Statutes be, and the same is hereby amended so as to read as follows, viz: "If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be punishable by imprisonment for not less than thirty days nor more than ninety days, or by a fine of not less than one hundred dollars or more than five hundred dollars, or both, in the discretion of the court; *Provided,* that upon default of payment of fine the same shall be served out in imprisonment at the rate of one dollar per day until paid. *And provided further,* that if any person who shall have been fined or imprisoned, as provided in this act, shall be found within the Indian country after the expiration of twenty days from the date of his release from imprisonment or the date of his payment of fine in cases where the penalty of imprisonment is not imposed by the court, such person shall be liable to the same fines and penalties as herein provided for the punishment of persons returning to the Indian country after their removal."

SEC. 2. That it shall be the duty of the United States district attorney for the district within which the offense is committed, upon the complaint of any United States Indian agent located within said district, to institute proper proceedings in the United States district court for the punishment of such persons as may have returned to the Indian country after removal therefrom, as provided herein, and the several United States district courts are hereby given jurisdiction to try such cases and to impose the penalties.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 193.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to a Senate resolution of July 3, 1890, certain papers giving names of corporations whose bonds and interest have at different times been guarantied by the Union Pacific Railway Company.

JULY 26, 1890.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 3d instant, which is as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has knowledge of the guaranty, actual or proposed, by the Union Pacific Railway Company of the bonds or stock of any other corporation, more especially those of the Oregon Railway and Navigation Company, and of the Denver and South Park Railroad Company. Whether said Union Pacific Railroad Company has paid out of its surplus earnings or otherwise the indebtedness, or any part thereof, of said or other companies, and if so, whether such guaranty or such payment, or both, are in accordance with law and consistent with the obligations of said Union Pacific Railroad Company to the United States; and that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject.

In response I beg to state that it appears from a letter of the Commissioner of Railroads that the Union Pacific Railway Company has guarantied at different times the bonds and interest of quite a number of other corporations, whose names and the amount for which the guaranties have been made will be found in the papers herewith transmitted. It appears that the payment of dividends on stock of only one company, that of the Oregon Railway and Navigation Company, has been guarantied, and this has been done indirectly, by guarantying the performance of a covenant made by the Oregon Short Line Company to that effect.

Some of the roads, so far as built, whose bonds and interest have been thus guarantied, have been operated in connection with the Union Pacific Company and as feeders thereto, and the deficiency of their operating expenses has been paid by it. Those in process of construction whose bonds this company has agreed to guaranty will be operated in the same way, and will doubtless have their expenses and debts paid in like manner. The Denver and South Park Railroad Company had its operating expenses and fixed charges paid by the Union Pacific prior to its reorganization, as stated by the Commissioner, and will, I take it, be paid *in like manner* under the new arrangement, if necessary.

The guaranties spoken of have been made in pursuance of the fix policy which the Union Pacific has followed for years as a means of i creasing the business and earnings of the main line. The policy adopte and pursued by the company in this respect has been the subject frequent investigations on the part of the Government, and in each i stance has been approved by its officers. The Government directors the company commended the policy as wise and calculated to bene the Government in their reports of 1876, 1877, 1878, 1879, 1880, 1883, 18 and 1885, as will be seen by reference to the report of the Commission of Railroads, May 20, 1890. The special commission, appointed und act of March 3, 1887 (24 Stat., 488), examined the whole subject exte sively, and the majority report commends the policy adopted.

The special committee appointed by your honorable body, on t President's message transmitting said report, examined into the cour of the Union Pacific Company in this respect, commend its action, a say, on page 9 of its report, submitted February 17, 1890:

All but one or two (of the branches) are of value now as feeders to the main lin with reasonable prospects of large increases of business.

In summing up said committee said, on page 10:

It was demonstrated that the net earnings of the present company, derived from bu ness turned over by or interchanged with its branch lines, amounted to $3,277,07 and for the last year to more than $4,000,000. In other words, the net earnings the Union Pacific are now increased by upwards of $4,000,000 from revenues deriv from traffic that was carried over its main lines, through, and because of its cont over these branch or feeding lines. Without regard to other advantages that t Union Pacific may have enjoyed, or still enjoys, through its investments in this dire tion, it is evident that without the branch-line system it could not hold its own.

Inasmuch as, according to the report of the Commissioner of Ra roads, herewith sent, said company has complied with and continues comply with all the requirements of Congress as to the payments to b made to the United States, and has made the investments referred out of its own proper share of earnings, I do not see how its action the premises can be fairly regarded as endangering or injuring th interests of the United States as creditor of said company, or be co sidered otherwise than as legitimate and proper in the prosecution its business. It has given no lien or mortgage on, or made any pledg of, its assets on which the United States have a lien, but seems to hav simply used its credit and its share of income, as it had a right to do i promotion of its proper purposes.

The legal aspects of the inquiry made by your body were referred t the Assistant Attorney-General for this Department. His opinion which I herewith also send you, is to the effect that on the facts a shown by the Railroad Commissioner, there has been no violation of th United States statutes governing this corporation by the company i these matters, or of its obligations to the Government. In these view I concur.

Believing I have fully answered the inquiries of the Senate, I submit the foregoing and the accompanying papers.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., July 17, 1890.

SIR: In compliance with the directions of a resolution of the Senate, dated July 3, 1890, referred by you to this office on the 7th instant, in regard to "the guaranty, actual or proposed, by the Union Pacific Railroad Company, of the bonds or stock of any other corporation," etc., and under your further instructions, dated July 12, I have the honor to report that the subject-matter of the resolution has been carefully and thoroughly investigated, with the following result:

The Union Pacific Railway Company has agreed to guaranty the payment of the principal or interest, or both, at the time and in the manner, form, and amounts specified under the name of each corporation, as follows:

(1) Leavenworth, Topeka and Southwestern Railway Company: At a meeting held in Boston on September 2, 1882, the executive committee resolved—

That the treasurer be, and he is hereby, authorized to indorse this company's guaranty of principal and interest at 4 per cent. on one-half of the total amount of general mortgage bonds of the Leavenworth, Topeka and Southwestern Railway Company up to the limit fixed in said agreement, viz, one-half of $1,380,000, or say $690,000, said guaranty to be in the words and form following, to wit:

For value received the Union Pacific Railway Company hereby guaranties the full payment of the principal of the within bond at the maturity thereof, and also for value received guaranties the full payment of the interest of the within bond at the rate of 4 per cent. per annum as the same matures; the rate of interest having been reduced to and fixed at 4 per cent. per annum before delivery of said bond.

By

HENRY MCFARLAND,
Treasurer.

AUGUST 26, 1882.

(2) Oregon Short Line Railway Company: Under an agreement made on the 12th day of January, 1882, the Union Pacific Railway Company covenants to cause to be indorsed a guaranty of interest on each of the forty-year first-mortgage bonds that shall be issued by the Oregon Short Line Railway Company, limited to the rate of $25,000 per mile of completed and equipped road, it being stipulated that the said company shall apply all its net earnings and income from all sources, less operating expenses, taxes, and *necessary* repairs only, to the payment of said interest.

The form of guaranty is as follows:

The Oregon Short Line Railway Company, the obligor herein, having granted to the Union Pacific Railway Company certain perpetual rights, privileges, and easements, and having also entered into a perpetual agreement with it for the interchange of business, dated the 12th day of January, A. D. 1882, and the Union Pacific Railway Company in consideration thereof having agreed, as therein provided, to such a division of joint earnings as shall be sufficient with the other net earnings of the Oregon Short Line Railway Company to provide for the payment of the interest as it becomes due on this series of bonds;

Now, in consideration thereof, and of one dollar to it in hand paid by the said obligor, the Union Pacific Railway Company hereby guaranties to the holder hereof for the time being, that the obligor herein will pay each of the coupons attached to this bond when it falls due.

In witness whereof the Union Pacific Railway Company hath caused this undertaking to be executed under its corporate seal this, the —— day of ——, 1882.

THE UNION PACIFIC RAILWAY COMPANY,
By —— ——, *President.*

Attest:
—— ——, *Secretary.*

The amount *guarantied* is the interest on $14,921,000.

(3) St. Joseph and Grand Island Railroad Company: The agre-ment under which the Union Pacific Railway Company guaranties the payment of interest on forty-year first mortgage 6 per cent. bonds of the St. Joseph and Grand Island Railroad Company, the amount being in the sum of $7,000,000, also contains a clause binding the St. Joseph and Grand Island Railroad to "apply" all of its net earnings from all of its roads and income from all sources, less operating expenses, taxes, and necessary repairs, to the payment of such interest. It is further expressly understood that—

None of the covenants and agreements herein, on the part of the party of the second part, are intended to create, nor shall the same be construed to create, or be a mortgage or pledge, legal or equitable, of the earnings of the party of the second part, for any purpose whatever; and nothing herein contained is intended, nor shall the same be construed or held, to affect any duty or obligation on the part of the party of the second part to the Government of the United States under its charter or any act of Congress.

The guarantied bonds are endorsed as follows:

The Union Pacific Railroad Company hereby guarantees the punctual payment of the interest hereon, subject only to the conditions of an agreement made with said St. Joseph & Grand Island Railroad Company dated ——— —, 1885.

Witness the signature and seal of said company, this —— day of ———, 1885.

(4) The forty-year first-mortgage bonds of the Kansas City and Omaha Railroad Company are jointly guarantied by the Union Pacific Railway Company and the St. Joseph and Grand Island Railway Company as follows:

The Union Pacific Railway Company and the St. Joseph and Grand Island Railway Company hereby jointly and severally guarantee the punctual payment of the interest hereon, subject only to the conditions of an agreement made by the guaranty companies with said Kansas City and Omaha Railroad Company, dated January 1, 1887.

Witness the signature and seal of said companies, this —— day of ———, 1887.

The agreement providing for this guaranty is dated January 1, 1887. One of its clauses reads as follows:

It is further expressly understood * * * that none of the covenants and agreements herein, on the part of the parties of the second and third part respectively, are intended to create, nor shall the same be construed to create, or be a mortgage or pledge, legal or equitable, of the earnings of the parties of the second and third parts or either of them, for any purpose whatever; and nothing herein contained is intended, nor shall the same be construed, or held to affect any duty or obligation on the part of the parties of the second and third parts respectively, to the Government of the United States, under their charters, or any act of Congress.

The guaranty covers a total amount of $2,735,000.

(5) On December 15, 1886, the board of directors instructed the executive committee to execute an agreement with the Oregon Railway and Navigation Company as lessor, and the Oregon Short Line Company as lessee (indenture of lease dated January 1, 1887), by which the Union Pacific Railway Company—

will and shall guarantee the prompt and faithful performance of each and all the covenants and agreements herein contained on the part of the said Short Line Company to be kept and performed; and the said Short Line Company shall be liable to said Union Company for any and all payments made by the latter under the terms thereof, over and above the amounts which the said Short Line Company would otherwise be entitled to receive from the said Union Company.

Such guaranty includes that of the payment of a rental equal to the interest, sinking fund, and other fixed charges of the Oregon Railway and Navigation Company and dividends upon its capital stock, at the rate of 6 per cent. per annum.

(6) The Utah and Northern Railway Company's 5 per cent. equip

ment trust bonds were ordered to be guarantied by the executive committee of the board of directors, at a meeting held in Bos ton on January 19, 1888. This is a transcript of that part of the procee dings relating to the guaranty:

Voted, That in order to increase the value of the Utah and Northern Railway Company's equipment trust bonds purchased by this company, and to facilitate the negotiation and transfer thereof, this company will guarantee the payment of the principal and interest of said bonds.

Voted, That the president or the vice-president, already empowered to sign stock certificates, be and hereby is directed to execute, on behalf of this company, a guarantee upon each of said Utah and Northern Railway Company's equipment trust 5 per cent. bonds in the following words, and that the secretary or assistant secretary be and hereby is directed to attest the signature of the president or vice-president and attach the corporate seal:

For value received, the Union Pacific Railway Co., owner of the within bond, hereby guarantees to the holder hereof for the time being, as a means of augmenting its value and credit in the negotiation and transfer thereof, that the obligor herein will pay the coupons attached to this bond, and also the principal thereof, when the same shall respectively fall due.

In witness whereof, the said Union Pacific Railway Company has caused this undertaking to be executed under its corporate seal this 1st day of July, 1887.

THE UNION PACIFIC RAILWAY COMPANY,
By ——— ———, *Vice-President.*

Attest:
———, *Ass't Secretary.*

(7) The Utah and Northern Railway Company's consolidated first-mortgage bonds were guarantied by the Union Pacific Railway Company under the vote of the executive committee of the board of directors, which is herewith transcribed:

The president reported that it was proposed to sell the 5 per cent. bonds of the Utah and Northern Railway Company if a satifactory price could be obtained for them, and that in order to augment the value and credit of the bonds, it was desirable that the following guarantee be indorsed upon them by this company:

For value received, the Union Pacific Railway Company, owner of the within bond, hereby guarantees to the holder hereof for the time being, as a means of augmenting its value and credit in the negotiation and transfer thereof, that the obligor herein will pay the coupons attached to this bond and also the principal and interest thereof when the same shall respectively fall due.

It was thereupon voted, unanimously, that the said guaranty be indorsed upon the 5 per cent. consolidated bonds of the Utah and Northern Railway Company "owned by this company, and that Mr. G. M. Lane, vice-president of the board of directors, be and hereby is authorized and directed to sign said guarantee on behalf of this company."

(8) Union Pacific, Lincoln and Colorado Railway Company: On October 22, 1888, the executive committee of the board of directors unanimously adopted the following preamble and resolution:

Whereas this company has duly acquired, under sundry contracts and otherwise, and is the owner, for value of $4,508,000, first-mortgage five per cent. bonds of the Union Pacific, Lincoln and Colorado Railway Company, and desires to negotiate and sell the same.

Voted, That in order to increase the value of the Union Pacific, Lincoln and Colorado Railway Company's first-mortgage five per cent. bonds acquired, held, and owned by this company, and to facilitate the negotiation and transfer thereof, this company will guarantee the payment of the principal and interest of said bonds.

Voted, further, That the president or vice-president be and is hereby directed to execute, in behalf of this company, a guarantee upon each of said Union Pacific, Lincoln and Colorado Railway Company's first-mortgage five per cent. bonds in the following words, and that the secretary or assistant secretary be and hereby is directed to attest the signature of the president or vice-president and to attach the corporate seal:

For value received, the Union Pacific Railway Company, owner of the within bond, hereby guarantees to the holder hereof for the time being, as a means of augmenting its value and credit in the negotiation and transfer thereof, that the obligor herein

will pay the coupons attached to this bond, and also the principal thereof, when th same shall respectively fall due.

In witness whereof the said Union Pacific Railway Company has caused the ca dertaking to be executed under its corporate seal this first day of August, 1888.

The UNION PACIFIC RAILWAY COMPANY,
By CHARLES F. ADAMS, *President.*

[SEAL.]
Attest:
ALEX. MILLAR,
Secretary.

(9) The Oregon Short Line and Utah Northern Railway Compan made on December 6, 1889, a traffic agreement, paragraph 7 of whic reads as follows:

The Union Pacific Company agrees that it will, from time to time, at the requ of the Short Line Company, indorse and execute upon each of the consolidated fir mortgage bonds of the Short Line Company, certified in accordance with the pr visions of the said indenture of mortgage of the 1st of August, 1889, and intend to be issued in respect of the said 1,456.39 miles of railway already completed, or any section hereafter completed and approved and accepted, as hereinbefore provide a guarantee in the words following:

The Oregon Short Line and Utah Northern Railway Company, the obligor here having granted to the Union Pacific Railway Company certain perpetual righ privileges, and easements, and having also entered into a perpetual agreement wi it for the interchange of business, dated the sixth day of December, 1889, and i Union Pacific Railway Company, in consideration thereof, having agreed, as there provided, to such a division of joint earnings as shall be sufficient, with the other n earnings of the Oregon Short Line and Utah Northern Railway Company, to provi for the payment of the interest as it becomes due on this series of bonds: Now, consideration thereof and of one dollar to it in hand paid by the said obligor, t Union Pacific Railway Company hereby guarantees to the holder hereof for the ti being that the obligor herein will pay each of the coupons attached to this bo when it falls due.

In witness whereof the Union Pacific Railway Company hath caused this unde taking to be executed under its corporate seal.

The UNION PACIFIC RAILWAY COMPANY,
By ——— ———, *President.*

Attest:
——— ———, *Secretary.*

The same agreement contains in paragraph 13 the following proviso

Nothing contained in these presents is intended or shall be taken or construed t create a mortgage or pledge or charge at law or in equity of or upon any propert or earnings of the Union Pacific Company, or to impair or affect any duty or obliga tion of the Union Pacific Company to the Government of the United States under it charter or any act of Congress.

(10) The same company's collateral trust 5 per cent. bonds, due 1919 have been guaranteed by the Union Pacific Railway Company by virtue o the vote of the board of directors at its meeting held in Boston on De cember 18, 1889, as follows:

Whereas, this company has purchased and owns $8,771,000 of the collateral trus mortgage 5 per cent. bonds of the Oregon Short Line and Utah Northern Railway Company, and desires to sell and negotiate the same now, therefore,

Voted, that in order to increase the value of the $8,771,000, Oregon Short Line and Utah Northern Railway Company collateral trust; mortgage 5 per cent. bonds, ac quired, held, and owned by this company, and to facilitate the negotiation and trans fer thereof, this company will guarantee the payment of the principal and interest of said bonds.

Voted, further, that the treasurer or assistant treasurer be and hereby is directed to execute, on behalf of this company, a guarantee upon each of said Oregon Short Line and Utah Northern Railway Company collateral trust 5 per cent. bonds in the follow ing words, and that the corporate seal of the company be attached thereto:

For value received, the Union Pacific Railway Company, owner of the within bond, hereby guarantees to the holder hereof for the time being, as a means of augmenting its value and credit in the negotiation and transfer thereof, that the obligor herein will pay the coupons attached to this bond and also the principal thereof when the same shall respectfully fall due.

(11) The Union Pacific, Denver and Gulf Railway Company, in its traffic agreement made on April 1, 1890, with the Union Pacific Railway Company, covenants—

not to issue any mortgage on its road, without the written consent of the Pacific Company, except a consolidated first mortgage to secure bonds to the amount of $25,000 per mile, bearing interest at the rate of 5 per cent. per annum for each and every mile of road completed and equipped.

The form of guaranty is as follows:

The Union Pacific, Denver and Gulf Railway Company, the obligor herein, having granted to the Union Pacific Railway Company certain perpetual rights, privileges, and easements, and having also entered into a perpetual agreement with it for the interchange of business, dated the —— day of ——, A. D. ——, and the Union Pacific Railway Company in consideration thereof having agreed as therein provided to such a division of joint earnings as shall be sufficient with the other net earnings of the Union Pacific, Denver and Gulf Railway Company to provide for the payment of interest as it becomes due on this series of bond.

Now in consideration thereof and of one dollar to it in hand paid by the said obligor, the Union Pacific Railway Company hereby guarantees to the holder hereof for the time being that the obligor herein will pay each of the coupons attached to this bond when it falls due.

The Union Pacific, Denver and Gulf Railway Company is the result of the consolidation of—

The Colorado Central Railroad Company (Colorado).
The Colorado Central Railroad Company (Wyoming).
The Georgetown, Breckenridge and Leadville Railway Company.
The Denver and Middle Park Railroad Company.
The Denver, Marshall and Boulder Railway Company.
The Greeley, Salt Lake and Pacific Railway Company.
The Cheyenne and Northern Railway Company.

In the annual report for 1889 the directors state that—

the new consolidated company * * * will own or operate 1,505 miles of railroad, represented by about $32,500,000 of stock, and about $28,000,000 of bonds.

This is the amount that will be eventually guarantied under the foregoing agreement; but, so far as known to this office, none has yet been issued.

(12) It will be seen that the Denver and South Park Railroad Company has not now, nor am I able to find that it ever had, any security guarantied by the Union Pacific Railway Company. As a branch line of the Union Pacific system, this company received continued assistance from the parent company, and it is a matter of record that the Union Pacific Company repeatedly gave public notice that it would take up the coupons of the Denver and South Park Railroad Company's bonds. In every instance the amount so paid was regarded as a debt and charged to the defaulting company. Steps had to be taken eventually in order to adjust this condition of affairs.

The following extract from the annual report of the Union Pacific Railway Company will give a brief history of the case:

The Union Pacific Railway Company owned at the close of the year $244,000 of the first-mortgage 7 per cent. bonds and $3,589,000 of the consolidated mortgage 6 per cent. bonds of this company, and $6,135,100 of its capital stock.

After deducting all fixed charges, the deficit of this company has been as follows, in each of the years named below:

1884	$621,193.20
1885	320,869.32
1886	368,081.56
1887	289,430.33

As your directors saw no prospect of decided improvement in the future earnings of this company, it was determined to advance no further funds to the Denver, South

Park and Pacific to meet fixed charges. Default was consequently made in the pa ment of interest due November 1, 1888, on its first-mortgage bonds. Negotiations a a reorganization of the company and a reduction of fixed charges were thereupon b gun between a committee of your directors and Messrs. F. D. Tappen, W. H. Hollist and F. L. Leland, representing the first mortgage bondholders. As a result of the negotiations an agreement has been entered into, in accordance with which the De ver, South Park and Pacific is to be foreclosed, and a new company to be organiz for the purpose of purchasing the property, under the name of the Denver, Leadvi and Gunnison Railway Company. The new company will execute a first mortga upon the property purchased, and issue bonds secured thereby to the extent of $11,0 per mile, bearing interest at the rate of 4½ per cent. These bonds will be received the Union Pacific Railway Company, which will issue against them its 4½ per ce collateral trust bonds at the rate of $10,000 per mile. Of the collateral trust bon $1,800,000 will be given in exchange for $1,800,000 Denver, South Park and Pac first-mortgage bonds, thus effecting a reduction in interest charges of $45,000 a ye The remainder of the trust bonds will be held in the treasury of the Union Pacific an equipment and improvement fund, and sold as may be necessary to provide fun for the purchase of new equipment, or the improvement of the property.

The Union Pacific Company has agreed to cancel and surrender the consolidat mortgage bonds held by it, receiving in exchange the entire capital stock of the s company, viz, $3,000,000. It has also agreed to surrender all claims for floating de due it by the Denver, South Park and Pacific.

This settlement is advantageous for the Union Pacific, as by it a large reduction made in the annual interest charges of the system. It is intended to put the proper into good condition, and purchase such equipment as may be thought necessary. Wh this has been done, it is hoped that the operating expenses can be reduced. If t net earnings are at any time more than sufficient to pay fixed charges, they will co to the Union Pacific in the form of dividends on the stock held by it.

The new company was incorporated July 6, 1889, and under th name of the Denver, Leadville and Gunnison Railway Company issue $2,285,000 first-mortgage 4½ per cent. bonds, which have been deposite as a security for an issue of Union Pacific Railway Company, 4½ p cent. collateral trust bonds, but are in no wise guarantied by the latt company.

The only corporations now existing, whose bonds or stock are guara tied by the Union Pacific Railway Company are—

The Leavenworth, Topeka and Southwestern Railway Company.
The St. Joseph and Grand Island Railroad Company.
The Kansas City and Omaha Railway Company.
(The roads of the above-named corporations are not operated by the Union Paci Railway Company, but are nevertheless included in the system.)
The Union Pacific, Lincoln and Colorado Railway Company, whose entire capit stock ($1,997,800) is owned by the Union Pacific Railway Company.
The Union Pacific, Denver and Gulf Railway Company, which is controlled and o erated by the Union Pacific Railway Company; as likewise
The Oregon Short Line and Utah Northern Railway Company, into which have bee merged the Oregon Short Line Railway Company, the Utah and Northern Rai way Company, and, by a ninety-nine-year lease, the Oregon Railway and Nav gation Company. The last named company being expressly referred to in th resolution of the 3d instant will receive special and immediate consideration.

The great value to the Union Pacific Railway Company of the leas of the Oregon Railway and Navigation Company, in the opinion of the directors at least, is brought forward in their report for 1887 in the fo lowing language (p. 9):

The lease, though defective in certain respects, which will be provided for in supplementary agreement already perfected, has proved highly advantageous both t the Oregon Short Line and the Union Pacific. This may not at once appear in th published reports of the companies. Not improbably the Oregon Short Line and Unio Pacific may be called upon to meet an apparent deficit between the surplus rev enue of the Railway and Navigation Company and the rental provided in the leas It may, therefore, on the face of the returns appear that the lease is a burden rathe than an advantage to the lessee companies. But in estimating the advantages an disadvantages of such a contract it must be borne in mind that the real object to b obtained is not so much a surplus of revenue earned by the leased lines themselve

over and above all operating expenses and fixed charges as the control of the business of the leased lines by the lessee company. In the case of the Oregon Railway and Navigation Company, the Oregon Short Line and Union Pacific enjoy a haul of nearly 1,500 miles on the great bulk of all interchanged traffic. If this traffic were to be diverted over another and competing line, the profit earned on it during this most exceptional haul would be entirely lost to your company. While directed over the tracks owned by your company it is, because of the distance it is carried and the regularity with which the business can be conducted, traffic of the most profitable description. A close examination of the returns of the Oregon Short Line and of the Union Pacific will demonstrate this fact.

And further (p. 10):

During the year, owing largely to the lease of the Oregon Railway and Navigation Company, the value of the Pacific coast traffic greatly increased, the revenue from it amounting to $3,418,866.46 as compared with $1,893,688.79 in 1886, an increase of 80 per cent.

And when, in 1889, an opportunity arose of securing the ownership of a majority of the capital stock of that company and thereby full and undisturbed control of the road to the Pacific coast and San Francisco, the Union Pacific Railway Company eagerly seized it and invested over $7,000,000 in the purchase.

All the other corporations are, so to speak, part and parcel of the Union Pacific Railway system; have been for the greater part created, built, and are now operated by the Union Pacific Railway Company, which owns most, if not all, of their capital stock, and maintains and fosters them, the like many other "feeders" or branch lines of the system, in pursuance of the policy which has again and again undergone, with well-known success, the ordeal of public criticism and official investigation.

The Union Pacific Railway Company openly states every year, in the report to the stockholders, the amounts which it has been called upon to advance to auxiliary lines which have failed to earn their fixed charges. These advances are regularly charged to the defaulting companies and are, in most cases, eventually repaid.

From the report for 1889 it appears that the accounts of the several companies, the bonds of which are guarantied by the Union Pacific Railway Company, showed the following balances:

Name.	Surplus.	Deficit.
Leavenworth, Topeka and Southwestern		$97,632.77
St. Joseph and Grand Island		69,002.85
Kansas City and Omaha		46,575.70
Union Pacific, Lincoln and Colorado		68,842.18
Pacific, Denver and Gulf (incorporated in 1890)		
Oregon Short Line and Utah Northern*	$289,797.69	
Total	289,797.69	282,053.50

* Oregon Railway and Navigation Company, deficit $736,205.82, paid by the Oregon Short Line and Utah Northern and deducted from its surplus.

It is seen that for that year the total surplus exceeded the deficit. To be sure it might have been different and has been in previous years. The Union Pacific Railway Company always readily advanced and paid out of its surplus earnings any deficit of the numerous companies which supplied it with the large and profitable additional traffic upon which it must depend for its existence. It must be remembered that these advances do not in any way impair the net earnings as defined in the act of May 7, 1878, the only extant compact providing for the settle-

ment of the debt due to the United States by the company. The law says:

Such earnings shall be ascertained by deducting from the gross amount of their earnings respectively the necessary expenses actually paid within the year in operating the same (roads) and keeping the same in a state of repair, and also the sum paid by them respectively within the year in discharge of interest on their first mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness.

Is it not, then, obvious that such business as is brought to the parent line by the auxiliary roads or "feeders" is essentially profitable inasmuch as it adds considerably to the "earnings" without materially increasing the "necessary expenses" specified in the act? Are not the interests of the United States, in whose behalf 25 per cent. of the net earnings of the parent line are claimed and collected through this office, best subserved by an extension of a system of "feeders," even though those may absorb, in part, the remaining 75 per cent. of the "earnings?"

The right of the Pacific companies to build and maintain auxiliary lines has been successively sustained by the several United States Commissioners of Railroads; by the Commissioners specially appointed to investigate the affairs of Pacific railroads, and the Select Committee of the Senate on Pacific Railroads (Report of Senator Frye, first session, Fifty first Congress, No. 293).

If it be conceded that these companies do not violate the law in building such auxiliary lines and extending them pecuniary assistance, how they can possibly do so by guarantying certain payments, in other words, by loaning these auxiliary lines their credit instead of their ready money, is not apparent. By guarantying to pay the interest on bonds of another corporation, the Union Pacific Railway Company seems to simply contract a debt contingent upon the failure of another party, or, more, to pay that very same debt when it matures.

An examination of the list of guaranties, given at the beginning of this letter, will show that in most cases where the guaranty is secured by contract, the Union Pacific Company inserted a clause by which the rights of the Government as creditor were expressly protected (see Nos. 2, 3, 4, 9), or, as in the lease of the Oregon Railway and Navigation Company, reserved to itself the faculty of receding from the agreement if it were adjudged to be illegal by act of Congress, decree of the court, or other mandatory process.

In the cases numbered 6, 7, 8, 10, the company indorsed its guaranty on the bonds in order to enhance their value, in the same manner as a merchant would indorse a note which he might desire to negotiate to better advantage by virtue of his own credit.

This question of legality was recently brought before the Department and referred to this office. I inclose herewith a copy (marked Inclosure No. 1) of Commissioner Taylor's letter, in which his sentiments on this point are freely expressed.

I also inclose a copy (marked Inclosure No. 2) of a memorandum transmitted to this office by the Union Pacific Railway Company in regard to the subject-matter of the resolution of the Senate, in which the question is discussed from a legal stand-point.

The resolution is herewith returned.

In the absence of the Commissioner, very respectfully,

JOHN S. MARTIN, Jr.,
In charge of office.

The SECRETARY OF THE INTERIOR.

IN THE MATTER OF UNION PACIFIC RAILWAY COMPANY.—SENATE RESOLUTION OF JULY 3, 1890.

DEPARTMENT OF THE INTERIOR,
Washington, July 22, 1890.

SIR: A resolution passed by the Senate on July 3, 1890, was referred to me by you July 9, 1890, with a request for my opinion as to "whether the guaranty or any payments, or both, referred to in the resolution, are in accordance with law and consistent with the obligations of said Union Pacific Railroad."

Inasmuch as the legal effect of such guaranty or payments could not be ascertained without further and more definite information, my answer to your question has been delayed in acquiring the necessary data from the office of the Commissioner of Railroads, which was not all received till the 19th instant. I have given the matter such consideration as the means at hand and the time allowed would permit, and submit the following as the result:

The resolution of the Senate is as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has knowledge of the guaranty actual, or proposed, by the Union Pacific Railroad Company of the bonds or stock of any other corporation, more especially those of the Oregon Railway and Navigation Company and of the Denver and South Park Railroad Company. Whether said Union Pacific Railroad Company has paid out of its surplus earnings or otherwise the indebtedness, or any part thereof, of said or other companies; and, if so, whether such guaranty or such payment or both are in accordance with law and consistent with the obligations of said Union Pacific Railroad Company to the United States; and that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject.

Three inquiries are here made: (1) Whether the Union Pacific Railway Company has guarantied or proposes to guaranty the bonds or stocks of the Oregon Railway and Navigation Company, the Denver and South Park Railroad, or those of any other corporation; (2) whether the Union Pacific Railway Company has paid the indebtedness of said companies or any other corporation, in whole or in part, out of the surplus earnings of said company or otherwise; and (3) if any of these acts have been done, are they in accordance with the law and the obligations of said company to the United States?

It appears from the letter of the Commissioner of Railroads of July 17, 1890, and an accompanying memoranda, that the Union Pacific Railway Company has guarantied the bonds and interest of quite a number of other corporations, and practically of the two specified in the resolution.

I gather from the sources named that the Union Pacific has guarantied the principal and interest of the bonds of the Leavenworth, Topeka and Southwestern Railway Company, the Union Pacific, Lincoln and Colorado Railway Company, the Utah Northern Railway Company (consolidated bonds), the Utah Northern Railway Company (equipment bonds), and the Oregon Short Line and Utah Northern Railway Company.

The Union Pacific has also guarantied the payment of the interest only on the bonds of The Oregon Short Line Railway Company, The St. Joseph and Grand Island Railway Company, The Kansas City and Omaha Railway Company, The Oregon Short Line and Utah Northern Railway Company, and The Union Pacific, Denver and Gulf Railway Company, for $25,000 per mile as equipped; the particulars of which will be seen by the Railroad Commissioner's report and the accompanying memoranda.

In addition to the foregoing, it also appears that while the Union Pacific has not directly guarantied the bonds of the Denver and South Park Railway Company, for years the Denver and South Park Railway has been operated as a branch of the Union Pacific, which has also paid the interest on the bonds of the branch company. In the latter part of 1888, however, the Union Pacific declined to make further advances, and a reorganization of the former company has taken place under the name of the Denver, Leadville and Gunnison Railway Company. The new company is to issue bonds at the rate of $11,000 per mile, which bonds will be received by the Union Pacific Company, and its own 4½ per cent. collateral trust bonds will be issued at the rate of $10,000 per mile. What will be the amount of bonds to be issued under this arrangement does not clearly appear; but it seems that already $2,285,000 bonds have been issued by the new company, which have been deposited with the Union Pacific Company as the basis for its issue of bonds.

It does not appear that the Union Pacific has directly guarantied the stock or bonds of the Oregon Railway and Navigation Company. But it appears that the Oregon Short Line Railway Company made a covenant (see page 5, Commissioner's letter) to pay a rental equal to the interest, sinking fund, and other fixed charges of the Oregon Railway and Navigation Company and dividends of 6 per cent. upon its capital stock, and the Union Pacific has guarantied the performance of said covenant. The amount of the principal on which this guaranty is given is not stated in the papers before me.

The foregoing statement would seem to answer fully the two first inquiries of the Senate affirmatively, and it remains to answer the third.

The subject of the relations between the Government and the Pacific Railroads has been so long prominently before the public, the theme of discussion in Congress for so many years, the fruitful source of so much litigation in the courts, that the matter has become a familiar one. It would be useless therefore to do more than make the briefest possible reference to legislation bearing upon the particular point under consideration.

The act of July 1, 1862 (12 Stat., 489), incorporating the Union Pacific Railroad (now Railway) Company, vested it "with all powers, privileges, and immunities necessary to carry into effect the purposes of" the act as therein set forth. The land grant in aid of its construction was supplemented by a loan of credit in the shape of United States bonds, redeemable in thirty years, and bearing 6 per cent. interest, payable semi-annually, which bonds were to be issued at the rate of $16,000, $32,000, and $48,000 per mile, respectively, as the work progressed on designated portions of the road.

To secure repayment to the United States of the principal and interest of said bonds it was declared, in section 5, that—

> the issue of said bonds and delivery to the company shall *ipso facto* constitute a first mortgage on the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued.

In addition, it was provided in section 6 that—

> after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof.

Section 15 authorized any other railroad company to connect with the road and branches provided by the act of Congress at such places or on such terms as may be prescribed by the President of the United

States. This, however, has been modified by section 5257 of the Revised Statutes, which provides:

That any railroad company now or hereafter incorporated under any law of the United States, or of any State, which has been or may be organized by an act of Congress, may connect its road with the Union Pacific Railroad or any of its branches.

By the amendatory act of July 2, 1864 (13 Stats., 356), only one-half of the compensation for services to the United States was to be withheld from the company, the land grant was doubled, the company was authorized to issue first-mortgage bonds, not exceeding in amount those of the United States, whose lien therefor was made subordinate to that of said first-mortgage bonds.

In the general appropriation bill of March 3, 1873 (17 Stats., 485–509), carried into section 5256 of the Revised Statutes, it is declared that—

No dividend shall hereafter be made by said company (the Union Pacific) but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof.

On May 7, 1878 (20 Stat., 56), was passed what is commonly called the Thurman act. The first section declared that the net earnings of said companies—

shall be ascertained by deducting from the gross amount of their earnings, respectively, the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them, respectively, within the year in discharge of interest on their first-mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies, respectively, for interest upon any other portion of their indebtedness.

Section 2 directed that "the whole amount of compensation," which may from time to time be due to said companies respectively, for services rendered the Government, shall be retained by the United States; one-half to be applied to the payment of the interest, and the other half to be placed in a sinking fund and devoted to the payment of the principal of the United States bonds at maturity. It was further required by section 4:

That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

By section 9 all sums due to the United States by any of the companies referred to, or required to be paid to it now or hereafter, are—

declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets and income of the said railroad companies respectively, from whatever source derived, subject to any lawfully prior or paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

It appears, then, that to protect the United States for loss on account of said bonds, principal, and interest, the Government is entitled to retain the "whole" amount of compensation that may be due the company for transportation, etc., and to receive annually in addition the sum of money provided for by section 4.

This act uses the terms "gross amount" of earnings and the "whole amount" of compensation without any qualification.

A very decided limitation, however, has apparently been placed upon these terms. In the case of the United States *v.* Central Pacific Railroad (118 U. S., pp. 235–239), the Supreme Court held that the acts of 1862, 1864, and 1878 *supra*, relating to the same subject, are to be "construed together as one act, and one part to be interpreted by another." In the case of United States *v.* Kansas Pacific Railway Company (99 U. S., 455–458), said company being one of the subsidized roads under the act of 1862, the Supreme Court decided that the bonds were only a lien upon the subsidized portions of the road, "and that 5 per cent. of the net earnings is only demandable on the net earnings of said portion." So, the court in the case first above referred to applied the same rule to the amount to be retained out of the compensation due said companies from the United States for transportation. Following these decisions, it would seem that the portion of the net earnings to which the Government is entitled, and the amount of earned compensation for transportation it is authorized to retain, are derivable only from the subsidized portions of the road.

The portion of the compensation for transportation which the United States is entitled to is within its own control and no lien or security is needed therefor.

But the right to receive the 25 per cent. net earnings of the subsidized portions of the road, as well as all other rights, present or future, of the United States growing out of the loan of credit, are declared by the Thurman act to be a lien not only upon the property, rights, and franchises of the company derived from the United States, but also upon all the property, assets, and income of the company "from whatever source derived," subject to prior lawful liens. But the important proviso is added that said section is not to be construed so as to prevent the company "from using and disposing of" its property or assets "in the ordinary, proper, and lawful course of their current business, in good faith and for a valuable consideration."

Assuming that the lien of the United States is as broad as here asserted, we then come to inquire whether the company in making said guaranties has used and disposed of its property and assets in the ordinary course of business and in good faith, or has violated its obligations to the Government.

There have been a number of decisions by the Supreme Court, wherein the legislation of Congress, in relation to the Pacific railroads, has been under review, and much has been decided to settle the rights of the Government and the corporations in the premises. So far as my research has gone, I have found no ruling of that court bearing directly upon the particular question I am just considering.

In the case of the Railroad Company *v.* Peniston (18 Wall., 5–32), it was decided that though the Union Pacific was incorporated and aided by Congress in order to secure an agency competent and under obligations to perform certain offices for the Government, yet it is a private corporation. By its charter, we have seen, it was "vested with all the *powers*, privileges, and immunities necessary to carry into effect the *purposes*" for which it was created.

Among the privileges generally enjoyed by corporations, without express authority derived from their charter, is the right to borrow money, become the drawer, acceptor, or indorser of notes or bonds as a proper means to accomplish the purposes of its charter. (Angell and Ames on Corp., 257.)

In 1883, one Leo, a stockholder, filed a bill in the United States circuit court, asking to enjoin the Union Pacific Railway Company from raising money on its bonds, secured by a pledge in trust of the securities of other roads held by it to aid in the construction and operation of other roads, in fact, to restrain the company from doing exactly what it here appears to have been doing and in relation to which the Senate's inquiry is made. On a motion for a preliminary injunction, which was refused, the court said:

> The purpose to raise money to meet debts and for other corporate uses, by pledge of these sureties, seems to come clearly within the scope of the corporate powers and lawful and proper. (Leo *v.* Union Pacific Ry. Co., 17 Fed. Rep., p. 273.)

Subsequently, a demurrer was filed by the company, and the bill was dismissed because the allegations were not sufficiently specific. One of the allegations of the bill was that the company exceeded its powers by lending and advancing moneys to other railroads to be used in construction and operation, and to receive in payment bonds and stocks. In dismissing the bill, among other things, the court said:

> Although the defendant is merely a railroad corporation, it must, from its nature and circumstances, have large implied powers, which are as well conferred as its express powers (Nat. Bank *v.* Graham, 100 U. S., 699). It is burdened with vast debts, which it was fully authorized to assume, falling due in such immense sums at a time that the ordinary revenues would be wholly inadequate to meet them. Large accumulations and investments must be made long beforehand, involving great financial transactions. Operations must be had wholly foreign to the management of the railroads themselves, and pertaining much more to the business of banking than that of a carrier. These operations, if entered into for the purpose of carrying on a banking business, would be wholly outside of the corporate power; but when done for the purpose of fulfilling the financial duties of the corporation, must be clearly within them. The purchase of the stocks and bonds of other railroads might be for this legitimate purpose as well as the purchase of Government or other corporate securities. (19 Fed. Rep., 283–286.)

It is to be noted that while the inquiry of the Senate in relation to the "guaranty" of the stocks and bonds, or "payment" of the debts of other companies, the statutes do not expressly prohibit such guaranty or payment.

Section 5256 of the Revised Statutes says "no mortgages or pledges" shall be made "on the property or future earnings" of the company without the leave of Congress.

I am inclined to think this section should be read in *pari materia* with the proviso to section 9 of the Thurman act, and as thus modified it would not prohibit such mortgage or pledge "in the proper and lawful" course of business. But independently of this question there has been neither mortgage nor pledges made on the property or earnings of said company; but simply a guaranty of the bonds or interest of other corporations. Without quoting text-books to show that a mortgage conveys the legal title to property as security for a debt, and a pledge is a deposit of the property itself for the same purpose, it must be apparent in the instances disclosed that the guaranties of the Union Pacific Company amount to but little more than a promise, properly evidenced, to make the recited payments, and in no way constitute a specific lien upon the property, assets, or income of that company. They therefore do not seem to be antagonistic to even the new and extensive lien asserted by the *Thurman act* over "all" the property of the company, from what

ever source derived, nor within the inhibition of section 5256 of the Revised Statutes.

Looking at the question from a legal stand-point entirely, and relying upon the statement of the Commissioner of Railroads that said payments are made entirely out of the company's own resources, without reducing or impairing in any way that portion of the net earnings to which the United States is entitled, I can not see that the action of the Union Pacific Company in the premises is in violation of law, or the company's obligations to the United States, and so answer your inquiry.

Herewith I return all the papers sent to me.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

No. 1.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., May 20, 1890.

SIR: I have carefully examined the letter written by Mr. Middledith, of New York, under date of May 9, referred to this office, and have the honor to herewith report in duplicate my conclusions:

Mr. Middledith has made various written communications direct to this office and has also called in person to present his views with regard to the management of the Union Pacific Railway Company and the proposed settlement between the Pacific Railroad Companies and the United States, now pending in Congress. He appeared before the Pacific Railroad Commission and reiterated his charges to the commissioners privately; he visited former secretaries and presidents and urged his views upon them; he has written and circulated among members of Congress various pamphlets. His views with regard to the Pacific Railroads are familiar to everybody who has had any official connection with the subject. His claims have been fully understood and carefully investigated by the Pacific Railroad Commission and by successive committees of the Senate. So far as I am aware, in no single instance have they been sustained. A striking example of his curious method of reasoning can be found in his testimony before the Pacific Railroad Commission. (Report of the Commission, 1000–1011, 3886–3891.)

In the letter under consideration Mr. Middledith's contention is that every guaranty made by the Union Pacific Railway Company is a violation of the act of 1873, which provides that "no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress." Everybody understands that a mortgage is a contract by which certain property is conveyed to a creditor as security for a certain debt. A pledge is substantially the same thing, the difference being that a mortgagee's title usually rests upon a recorded mortgage and a pledgee's upon the actual possession of the property. A guaranty is merely an agreement to pay money in a certain contingency and is not secured at all. The statute can not be construed to prevent this, unless it is construed to prevent the company from contracting any debt, for every pecuniary obligation which must

be met is as much a charge upon the earnings or property of the company as is a guaranty. The legal relations of the Union Pacific Railway Company to the United States are very clearly set forth and defined in the case of the United States *v.* Union Pacific Railroad Company (98 U. S. 569). This case distinctly held that the Government as a creditor had an express "contract and bargain for its security" (p. 614) and as a creditor "had no right to interfere between the corporation and those with whom it deals" (p. 615). It also held (p. 619) that—

> The Union Pacific was not a mere creature of the United States, but that while it owes duties to the Government the performance of which may, in a proper case, be enforced, yet it is still a private corporation the same as other railroad companies, subject only to the paramount duties which it owes as an instrument of the General Government.

This case seems to clearly establish two things: First, that the Union Pacific has all the powers of railroad companies generally, except so far as it is otherwise provided in the acts of Congress; and, second, that the Government has no right to interfere with the contracts and dealings of the company with third persons if the company does not violate its duties to the Government.

It would seem that the clause in the fourth section of the act of Congress approved March 3, 1873, which provides "that no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company," in so far as the same relates to mortgages and pledges, has sole reference to the corporate property acquired or constructed for the completion and operation of the road, described in and authorized by the charter, to aid in which construction, and "to secure the use of the same for postal, military, and other purposes," grants of subsidies and of lands were made by the Government.

I refer you to a decision of the circuit court of the United States upon a bill brought by a stockholder to prevent the company from issuing its collateral trust bonds. (Leo *v.* The Union Pacific Ry. Co., 17 F. R., 273; 19 F. R., 283.)

Mr. Middledith attacks the policy of building branch lines, and especially the leasing of the Oregon Railway and Navigation Company's property to the Oregon Short Line Company. The policy of the company in constructing branch and feeding lines has repeatedly been expressly approved by the Government directors, as will be seen by reference to their reports as follows: 1876, p. 19; 1877, p. 12; 1878, p. 20; 1879, p. 9; 1880, p. 10. Also by the railroad commissioners, see reports for 1880, p. 25, and 1882, p. 33. In these reports the wisdom and good policy of the company in this regard are expressly affirmed. In opposition to Mr. Middledith's opinion may also be brought the judgment of the Pacific Railroad commissioners and the unanimous report of the Senate Committee. The Pacific Railroad Commission made the most thorough and searching investigation, having access to all the books and papers of the company, which were examined for months by experts, and having the benefit of all the testimony that could be had. The majority of the Commission made an exhaustive report on the subject, in which they state as their deliberate judgment that the branch line system has added largely to the income of the main line, and so to the earnings, of which the United States receives a percentage under the Thurman act. To quote their words, "reason, experience, and practice unite in their approval of this policy." They quote the opinions of railroad commissioners and of successive boards of Government directors, all officers of the United States, and all strongly approving the building of these lines.

The Government directors in their report for 1885 make the strong statement that without the branch lines "the main line would be to-day a bankrupt property." You will find the judgment of the Commission in the report of the majority, pages 5 to 10, inclusive.

The conclusion of this Commission is confirmed by the unanimous report of the special committee appointed by the Senate of the United States. Let me quote their conclusions. They say that—

They are satisfied—

(1) That the policy of building or acquiring branch lines was wise, and for the period covered by their inquiry honestly and economically carried out.

(2) That the main line has derived an immense advantage from the branches.

(3) That the building of the Oregon Short Line and the subsequent acquirement of the Oregon Railway and Navigation Company's lines instead of being a menace to the interests of the Government have proved to be a decided advantage.

(4) That the branches, instead of being maintained at the expense of the main line contribute at least $3,000,000 a year to the treasury of the company.

This evidence is the testimony of witness appointed by the United States to guard its interests and of tribunals created by the United States to consider and decide the questions upon which they passed and especially to determine whether the policy of building branch lines had injured the interests of the United States. If it is possible to establish any proposition by the most thorough investigation and by repeated trials and decisions, it would seem to be established that Mr. Middledith's views are unsound.

I may add that the Oregon Railway and Navigation Company is not leased to the Union Pacific Railway Company, but to the Oregon Short Line and Utah Northern Company, which is an independent corporation not indebted to the United States.

In view of the foregoing I may be pardoned for suggesting that Mr. Middledith appears somewhat in the light of professional agitator, or as being inspired by motives not altogether creditable. I believe you may safely ignore his unsupported opinions on questions of law and railroad policy when opposed, as they are, to the eminent authorities I have cited.

I return herewith Mr. Middledith's letter.

Very respectfully,

H. A. TAYLOR,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, July 7, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of July 7, 1890, inclosing resolution of the Senate of the United States requesting certain information with regard to the transactions of the Union Pacific Railway Company.

You have on file in your office various letters from this Bureau with reference to the subject matter of the resolution of the Senate. It is a matter of public history that the Union Pacific Railway Company has, for the purpose of aiding and building feeders to its main line, guaranteed the securities of other corporations. Successive committees of Congress, the Government directors, and the circuit court of the United States have held that the guaranties made by the Union Pacific Railway Company of the securities of other companies were legitimate and lawful

For a full discussion of this question, I refer you to my letter on file in your office, bearing date May 20, 1890. I inclose herewith a brief prepared for the consideration of the House Judiciary Committee in respect to a resolution of June 21, 1886, covering the subject in question. Of the wisdom and good policy of constructing branch lines for the purpose of contributing to the business of the main line, I have no doubt. The Government directors have frequently given their approval to the construction of branch lines. The special Pacific Railroad Commission, in discussing this question say, "Reason, experience, and practice unite in their approval of this policy."

In response to the second inquiry contained in the resolution, "whether the said Union Pacific Railroad Company has paid out of its surplus earnings, or otherwise, the indebtedness or any part thereof, of said or other companies," I have to say that no part of the earnings of the Union Pacific Railway Company which are required under the law to be paid to the Government have been used for the purpose named, or for any other purpose other than in liquidating their indebtedness to the Government. It is the uniform practice of this office to ascertain, as provided by law, the net earnings of the railway company upon which the Government has a claim, to wit, the net earnings from the aided portions of its road. When this amount is ascertained, 25 per cent. of the sum has been demanded, as provided by the Thurman act, and has been paid into the Treasury of the United States, either directly in cash or through the allowance for transportation services rendered by the company for the Government. This is in strict compliance with the provisions of the Thurman act, that 25 per cent. of the net earnings of such portions of the line as have been aided by the issue of Government bonds be paid annually into the Treasury. What the railway company may have done with the other 75 per cent. of its surplus earnings I have not deemed it the province of this office to inquire.

I may, perhaps, properly say here, for your information and the information of the honorable Senate, if you desire to transmit the same, that although the debt of the Union Pacific Railway Company to the Government is yearly increasing, yet this increase is not due to any failure of the railway company to comply with the provisions of law. The fault rests in the law itself. Owing to the decreased revenues of the company 25 per cent. of its net earnings upon its aided line does not realize an amount sufficient to meet the interest which annually accrues upon the bonds issued in aid of its construction.

I have the honor to be, very respectfully,

H. A. TAYLOR,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., July 12, 1890.

SIR: I have the honor to acknowledge the receipt on yesterday of your letter dated the 6th instant. In obedience thereto and under the direction of the Commissioner, I transmit herewith a statement, to be appended to his letter dated July 7, 1890, of all bonds and stock guarantied by the Union Pacific Railway Company, so far as can be ascertained

from the proceedings of the meetings held by the executive
or the board of directors of said company, copies of which
in this office, viz, from January, 1886, to date.

Very respectfully,

JOHN S. MARTIN,
In charge

The SECRETARY OF THE INTERIOR.

Statement of guaranty by the Union Pacific Railway Company of stocks
other corporations as voted, approved, or ratified in meetings of the board o
executive committee, or the stockholders of said company.

June 16, 1886.—The secretary reports to the executive committee that
has signed the stipulated form of guaranty under agreement of Januar
two thousand eight hundred and fifteen additional first mortgage bonds
Short Line Railway.

December 15, 1886.—Board of directors instructs the executive committ
agreement with the Oregon Railway and Navigation Company and the
Line Company, by which the Union Pacific shall guaranty the payment b
Short Line Company, lessor, of $1,440,000 per annum, and of the inter
mortgage and debenture bonds of the Oregon Railway and Navigation C

June 15, 1887.—The president notifies the board of directors that the abo
has been executed as of January 1, 1887.

January 19, 1888.—The executive committee votes the guaranty of
principal of Utah and Northern Railway Company equipment trust 5 per

October 22, 1888.—The executive committee votes the guaranty of $4
mortgage 5 per cent. bonds of the Union Pacific, Lincoln and Colorado R
pany.

April 3, 1890.—The meeting of stockholders ratifies by a vote of m
requisite majority the guaranty of—

(1) The payment of the interest on the consolidated first mortgage
Oregon Short Line and Utah Northern Railway Company.

(2) The payment of the principal and interest of the collateral trus
per cent. bonds of the Oregon Short Line and Utah Northern Railway Com
by the Union Pacific Railway Company.

(3) The payment of the interest of the first mortgage bonds of the U
Denver and Gulf Railway Company.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 194.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A report of judgment rendered by the Court of Claims in favor of Theodore Yates.

JULY 26, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
July 25, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a report of a judgment rendered by the Court of Claims in favor of Theodore Yates for $400, No. 15442, of date April 21, 1890.

Respectfully yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

Judgment of the Court of Claims.

No.	Name of claimant.	Date of judgment.	Amount.	When presented for payment.	When payable if not appealed.
15442	Theodore Yates	April 21, 1890	$400	July 3, 1890	July 20, 1890

Nature of claim—Certain compensation alleged to be due for services rendered in superintending the construction of a breech-loading rifle of his device, etc. (Judgment entered in the sum of $3,900.)

51ST CONGRESS, 1st Session. | SENATE. | EX. DOC. No. 195.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

Letter of the Comptroller of the Currency relative to an appropriation to print the report of the condition of the national banks.

JULY 26, 1890.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
July 25, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Comptroller of the Currency, of the 24th instant, in relation to an appropriation for the publication of a semi-annual report of the condition of the national banks, as recommended on page 54 of his last annual report.

Respectfully yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, D. C., June 24, 1890.

SIR: I have the honor to call your attention to the recommendation made on page 54 of the last annual report of the Comptroller of the Currency that an appropriation should be made by Congress for the publication of a semi-annual report of the condition of the national banks, such recommendation being embodied in the last annual report of the Secretary of the Treasury, page 77.

I regard a semi-annual publication as very desirable, and for obvious reasons quite essential to the proper conduct of the affairs of banks having reciprocal relations with each other.

The resolution passed by the American Bankers' Association in September last voices the opinion and requests of many other bankers not members of that association, and I would respectfully ask you to take whatever steps may be necessary to insure the desired amendment to such appropriation bill now being considered by Congress as may be proper.

Very respectfully,

E. S. LACEY,
Comptroller.

Hon. WM. WINDOM,
Secretary of the Treasury.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 196.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Letter of the Postmaster-General in regard to the use of the mails by the Louisiana Lottery Company, and Exhibit A, history of the Post-Office Department concerning lotteries.

JULY 29, 1890.—Read, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

To the Senate and House of Representatives:

The recent attempt to secure a charter from the State of North Dakota for a lottery company, the pending effort to obtain from the State of Louisiana a renewal of the charter of the Louisiana State Lottery, and the establishment of one or more lottery companies at Mexican towns near our border, have served the good purpose of calling public attention to an evil of vast proportions. If the baneful effects of the lotteries were confined to the States that give the companies corporate powers and a license to conduct the business, the citizens of other States, being powerless to apply legal remedies, might clear themselves of responsibility by the use of such moral agencies as were within their reach. But the case is not so. The people of all the States are debauched and defrauded, The vast sums of money offered to the States for charters are drawn from the people of the United States, and the General Government, through its mail system, is made the effective and profitable medium of intercourse between the lottery company and its victims. The use of the mails is quite as essential to the companies as the State license. It would be practically impossible for these companies to exist if the public mails were once effectively closed against their advertisements and remittances. The use of the mails by these companies is a prostitution of an agency only intended to serve the purposes of a legitimate trade and a decent social intercourse.

It is not necessary, I am sure, for me to attempt to portray the robbery of the poor and the wide-spread corruption of public and private morals which are the necessary incidents of these lottery schemes.

The national Capital has become a sub-headquarters of the Louisiana Lottery Company, and its numerous agents and attorneys are conducting here a business involving probably a larger use of the mails than that of any legitimate business enterprise in the District of Columbia. There seems to be good reason to believe that the corrupting touch of these agents has been felt by the clerks in the postal service and by some of the police officers of the District.

Severe and effective legislation should be promptly enacted to enable the Post-Office Department to purge the mails of all letters, newspapers, and circulars relating to the business.

The letter of the Postmaster-General, which I transmit herewith, points out the inadequacy of the existing statutes, and suggests legislation that would be effective.

It may also be necessary to so regulate the carrying of letters by the express companies as to prevent the use of those agencies to maintain communication between the lottery companies and their agents or customers in other States.

It does not seem possible that there can be any division of sentiment as to the propriety of closing the mails against these companies, and I therefore venture to express the hope that such proper powers as are necessary to that end will be at once given to the Post-Office Department.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 29, 1890.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 28, 1890.

SIR: In view of the urgent necessities of the case I feel impelled to anticipate the Annual Report by this special communication to you in regard to the use of the mails by the Louisiana State Lottery Company.

Notwithstanding the declaration of Congress that no letter or circular concerning lotteries shall be carried in the mails, every railway postal car, star route, money-order and registry office, and other facility that the postal service affords is in active daily use by the Louisiana Lottery Company.

Public sentiment condemns the use of the post-office for lottery purposes, but this does not decrease the volume of mails carried to and from lottery companies. On the contrary, the amount of mail matter going from them to the people, and the number of letters returning to them from the people, have no parallel in the history of the Post-Office Department. The foot-hold of the lottery business seems to be firmer, its operations wider, and its enterprises bolder than ever before.

Recent and reliable investigations of the mailing operations of the Louisiana Lottery Company at New Orleans and Washington prove conclusively the magnitude of its affairs. It is almost incredible, but capable of proof, that its chief business offices in Washington are conducted in two or more localities, employing numbers of clerks, often working night and day, using express wagons and furniture cars to haul the outgoing mail, which is frequently carted in the night from place to place to prevent suspicion or identification. It is estimated that it dispatches from the National Capital alone fifty thousand letters per month, and the mail received at the same office may be safely counted by the ton. What is true of Washington is probably fivefold true of New Orleans, the headquarters of the gigantic company that offers to to pay a bonus of $1,000,000 a year for the privilege of doing a business that could not exist but for the use of the postal machinery of the Government.

This vast business is terribly demoralizing to the postal service. It enlists some of the postmasters, subsidizes clerks, tempts mail assorters and carriers, and compels large outlays from the Department for in-

spectors to trace lost and stolen letters. The postal employé readily assumes that a letter directed to a lottery company contains money; that it is in the mail in violation of the spirit of the law, that its loss will be difficult to trace, and that an attempt to punish the offender who shall abstract it will more likely fail than prosecutions of an ordinary character. Hence the temptation to purloin it is exceptionally great.

With all the admitted evils, within and without the Postal Department, resulting from this nefarious traffic, I am, as the head of this Department, powerless to act. It is indeed a humiliating position, subjecting me to the suspicion of law-abiding citizens that your Postmaster-General is ignorant of, indifferent to, or willfully evading the law, when he is without authority, under existing statutes, to exclude this matter from the mail.

It is even more humiliating to contemplate that the entire Post-Office Department is in point of fact the principal agent of the Louisiana State Lottery Company, and that every extension of the postal system spreads the hurtful power and influence of that company.

The intent of Congress to close the mails against letters and circulars concerning lotteries, and all similar schemes to deceive and defraud the public for the purpose of obtaining money under false pretenses is apparent from the language of the three sections of the Revised Statutes and the acts amendatory thereto concerning (1) ordinary letters and circulars (R. S. 3894), (2) registered letters (R. S. 3929), and (3) the payment of money-orders drawn to the order of any person engaged in conducting such scheme (R. S. 4041).

These statutes have been found to be inadequate in that they omit to give the Postmaster-General any authority to delay or withhold from delivery any ordinary sealed letter which he may have reason to believe, or evidence to suspect, relates to a lottery—or any power to prevent the delivery of registered mail, and the payment of money-orders, to any person unless it be proven that he is actually engaged in conducting such lottery or scheme. The result is that these three separate and distinct statutes, which were supposed to be effective in ridding the mails of the kind of matter under consideration, have by practical tests utterly failed to accomplish the object.

The section referring to ordinary letters has been construed to be a penal statute, enforceable by the courts only (16 Op., 5). It confers no authority on the Postmaster-General. To make it available in the courts it is necessary to obtain from them the issuance of warrants upon probable cause, and supported by oath or affirmation, particularly describing the letters to be seized (*Ex Parte* Jackson, vi. Otto, 727.) Thus it will be seen that the proceeding to seize such letters under the provisions of this section can only reach those that can be particularly described, and they would constitute an infinitesimal part of the mail of any lottery company doing a large business.

In the attempt to execute the other sections, which refer to registered letters and money-orders, the written instructions or proclamations of one of my predecessors, forbidding the delivery of registers and the payment of money-orders, to the Louisiana State Lottery Company or its officers, were promptly followed by the advertisement of said company that such remittances for the purchase of lottery tickets could thereafter be made to the New Orleans National Bank. To prevent such transfer the postmaster at New Orleans was directed by a subsequent official order of the Postmaster-General to withhold the delivery and payment of all registered letters and money-orders to said bank; where

upon an injunction was obtained from the court restraining the postmaster from the execution of said order; and in consequence of such decree the delivery of these letters, and the payment of money-orders, have been made to the bank without question for several years.

This is a brief statement of the situation. With this, marked Exhibit A, I submit a paper showing in detail the action of the Post-Office Department concerning lotteries. It is manifest that the object of the law has been successfully thwarted, and that without additional legislation the mails must continue to carry this class of matter. I therefore, in this extremity, come to you for such instructions as you may see fit to give, and respectfully present for your personal consideration in accompanying paper, marked Exhibit B, suggestions for the draft of a bill which, if enacted into a law, will enable the Department to get this business under control.

The proposed bill defines the offense for depositing letters relating to lotteries and fixes the penalty therefor; provides for the prosecution of the same by information or indictment; extends the jurisdiction so as to include any district into which the letter may pass as well as that of delivery, thus enlarging the opportunity to collect evidence, and to remove the trial from the local influences surrounding the courts in States where lotteries have been successfully established; it authorizes the withholding of registered letters and the payment of money-orders from banks and individuals acting as agents of lotteries; and also prohibits the use of the mails to newspapers containing lottery advertisements. By the laws of some of the States such advertisements are illegal, and there is reason to believe that the proposition to incorporate such a law in the statutes of the United States would not meet with opposition from any considerable number of the reputable and influential newspapers of the country. If this, or a similar bill, containing all these proposed changes, together with such wholesome amendments as would probably be agreed to in Congress, should become a law, I think the mails could be purged in a short time of such matter as the statutes now intend but fail to prohibit. I therefore ask for this communication such consideration as will enable you to determine whether or not the subject of lotteries, and the inability to enforce existing laws against them, is sufficiently important to justify you in calling the attention of Congress to the need of additional legislation.

Very respectfully,

JNO. WANAMAKER,
Postmaster-General.

The PRESIDENT.

EXHIBIT A.

Memorandum concerning lotteries.

The authority of the courts and of the Postmaster-General over letters and other mail matter concerning lotteries is contained in section 3894, Revised Statutes, which applies to ordinary letters, circulars, etc.—section 3929, Revised Statutes, relating to the return of registered letters directed to persons engaged in conducting lotteries—and section 4041, Revised Statutes, relating to the return of money-orders made payable to any person engaged in conducting a fraudulent lottery, etc. The first section referred to above is as follows:

"No letter or circular concerning illegal lotteries, so-called, gift concerts, or other similar enterprises, offering prizes, or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretenses, shall be carried in the mail. Any person who shall knowingly deposit or send

anything to be conveyed by mail in violation of this section shall be punishable by a fine of not more than five hundred dollars nor less than one hundred dollars, with costs of prosecution."

The act of July 12, 1876, Sec. 2, 19 Stats., p. 90, provides: "That section thirty-eight hundred and ninety-four of the Revised Statutes be, and is hereby amended by striking out the word 'illegal' in the first line of said section."

On the 11th day of April, 1878, Postmaster-General Key addressed a communication to Attorney-General Devens, with the view of ascertaining by a legal construction how far he might go under section 3894 aforesaid, in seizing or withholding from the mails ordinary letters relating to the business of the Louisiana State Lottery Company. The question he put to the Attorney-General was "Does section 3894, Revised Statutes, authorize the Postmaster-General to direct the postmaster at New Orleans to withhold from the mails letters suspected to contain advertisements of lotteries?"

To this the Attorney-General replied.

"The section to which you refer says, that no letter concerning lotteries shall be carried in the mail; but its concluding clause, imposing a fine upon the person depositing any such letter for conveyance in the mails, indicates the means of prevention contemplated."

It thus became evident, in the opinion of the Attorney-General, that as said section imposed a penalty for the violation of its provisions, it must be held to be a penal statute that could only be enforced by the courts. That this was the view taken by him is evident from his further statements, to wit:

"The next section 3895, Revised Statutes, says: 'All letters, packets, or other matter which may be seized or detained for violation of law, shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster-General may direct.'

"This of itself confers no power of seizure nor right of detention. It merely declares the disposition to be made of those letters which are 'seized or detained for violation of law,' under other statutory provisions.

"Letters on which no postage is prepaid may be withheld from the mail by the postmaster in whose office they are deposited; and those not fully paid may be detained till such payment is made. (Revised Statutes, sections 3896 and 3900.) If the Postmaster-General is satisfied by evidence that any person is 'conducting any fraudulent lottery,' etc., through the mails, he may 'instruct postmasters at any post-office at which registered letters arrive directed to any such person, to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word 'fraudulent' plainly written or stamped upon the outside of such letters, 'which are to be returned to the writers.' (Revised Statutes, section 3929.) If there are other provisions permitting a detention of letters by a postmaster, they have escaped my attention. It is believed that, at least, there are no others affecting the subject of the present inquiry. It will be seen that none of these authorize what can properly be called a 'seizure' of any suspected letters by a postmaster, because, probably, he is not deemed the proper functionary to bring to trial and punishment those violating the postal laws.

"The power of seizure is given to certain other Federal officers by section 3990, Revised Statutes, which says: 'Any special agent of the Post-Office Department, collector or other customs officer, or United States marshal, or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or on any post-route, and convey the same to the nearest post-office, or may by the direction of the Postmaster-General or of the Secretary of the Treasury detain them until two months after the final determination of all suits and proceedings which may at any time within six months after such seizure be brought against any person for sending or carrying such letters.'

"The next section (3991) provides for the forfeiture of the parcels in which such letters are found, and concludes by extending to any such officer making such a seizure the benefits of Title XXXIV, chapter 10.

"The authorization of this course indicates to what seizures and detention section 3895 refers, and that it does not constitute the postmaster a seizing or detaining officer of suspected letters." (Opinion of Atty. Genl. Vol. xvi, Page 5.)

The correctness of this ruling has remained unquestioned from that date until the present time. It has been held that the Postmaster-General had no power to detain letters suspected to contain matter relating to lotteries, and inasmuch as he had no power to "seize" such letters under the provisions of section 3895, Revised Statutes, he was powerless to prevent the transmission of such letters in the mails. The sanctity of a seal is recognized throughout the statutes and enforced by the provisions of many. The only way the contents of a sealed letter can be lawfully determined is by the issuance of warrants by the courts authorizing the seizure thereof, and such warrants can only issue upon "probable cause, supported by oath or affirmation, and particularly describing * * * the things to be seized," and upon the order of the court that they be opened. Such a proceeding could only apply to a particular letter, or a particular lot of letters, and can not, therefore, be of benefit in arresting the

general deposit for mailing of letters by a lottery company. That this is correct is evidenced by the decision of the Supreme Court of the United States in *ex parte* Jackson, VI Otto, p. 727, wherein the court says that:

"Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles. The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution."

The further authority given to the Postmaster-General to in anywise interfere with the mails of a lottery company is contained in two sections of the Revised Statutes copied below—

SEC. 3929. "The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false and fraudulent pretenses, representations or promises, instruct postmasters at any post-office at which registered letters arrive directed to any such person, to return all such registered letters to the post-masters at the offices at which they were originally mailed, with the word 'fraudulent' plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof under such regulations as the Postmaster-General may prescribe. But nothing contained in this title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself."

SEC. 4041. "The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations or promises, forbid the payment, by any postmaster, to any such person of any such money-order drawn to his order or in his favor, and may provide by regulations for the return to the remitter of the sums named in such money-orders. But this shall not authorize any person to open any letter not addressed to himself."

At sundry dates, prior to October 10, 1879, Postmaster-General Key issued orders, under the provisions of the above sections, forbidding the delivery of registered letters and the payment of money-orders to a number of individuals, one hundred or more, who, in his opinion, were conducting fraudulent lotteries, etc., the effect of which was to break down and close up all of these lottery companies with the exception of one in the State of Kentucky, which afterwards voluntarily wound up its business.

On the 12th day of November, 1879, Postmaster-General Key issued an order that "being satisfied from the evidence before me that M. A. Dauphin, at New Orleans, La., is engaged in conducting a scheme or device for obtaining money through the mails by means of false and fraudulent pretenses, etc., I do hereby forbid the payment by the postmaster at New Orleans, La., of any postal money-order drawn to the order of said M. A. Dauphin or M. A. Dauphin, Secretary, or M. A. Dauphin, P. O. Box 692," etc., the order then directing the return to the remitter of such postal money-orders.

"And upon the same evidence" he directed said postmaster to return registered letters which arrived at his office directed to Dauphin by the various names above stated "with the word 'fraudulent' plainly written or stamped on the outside of such letters." Suit was brought against General Key to enjoin the execution of this order in which the constitutionality of the two sections relating to registered letters and money-orders was raised, and the further question that the order of the Postmaster-General was not in conformity with the law. In summing up the case the court (the supreme court of the District of Columbia) held "that the act of Congress complained of is constitutional, that the order of the Postmaster-General is in conformity with the law, and consequently that the bill presents no proper case for the interposition of the court and must be dismissed."

Dauphin thereupon took an appeal to the Supreme Court of the United States, pending which Postmaster-General Key resigned his office, and the appeal was subsequently stricken from the docket under a rule of the court which provides for such

disposition of cases against public officials who go out of office pending the decision thereon.

But, before his resignation, and after the appeal was entered in said case, General Key, under date of February 27, 1880, suspended the order above partly recited.

On the 20th day of September, 1883, Walter Q. Gresham, then Postmaster-General, issued an order evidently intended to revive the prior order of Postmaster-General Key, in which it was recited that "It appears from the records of the Department that on the 12th day of November, 1879, Postmaster-General Key, upon evidence satisfactory to him, entered a written order finding that M. A. Dauphin was engaged in conducting a scheme or device for obtaining money through the mails by means of false and fraudulent representations; and it also further appearing that said Postmaster-General Key entered an order, based upon said finding, prohibiting the postmasters at New York and New Orleans from paying money-orders drawn to the order of the said Dauphin, and the delivering of registered letters addressed to him; and, therefore, in pursuance of the finding of Postmaster-General Key, which finding remain in full force, it is ordered," etc. This order simply forbade the payment of money-orders and the delivery of registered letters to Dauphin, and was directed to "all postmasters."

Afterward General Gresham issued a further order reciting that since the date of his former order Dauphin had advertised in certain newspapers "that all registered letters intended for him and concerning the Louisiana State Lottery Company be addressed to the New Orleans National Bank at New Orleans, La., and that all money-orders sent for his benefit and concerning the business of said lottery company be made payable to said bank." This he denounced as a "defiant scheme" to evade previous orders, and wound up by directing the postmaster at New Orleans "to not deliver registered letters addressed to said bank, nor to redeem money-orders payable to it."

The said bank subsequently instituted suit by injunction to restrain the postmaster at New Orleans from executing said order. The injunction was granted (by the United States district court) and the case was then removed to the United States circuit court, Judge Pardee presiding, where an effort was made to dissolve said injunction, which failed.

In summing up the case the court expressed a doubt as to whether "the order and finding of Postmaster-General Key of February 27, 1880, simply suspended the order and finding against Dauphin of November 12, 1879; it rather appears to amount to an absolute revocation, and for these reasons:

"The fair import of the law is that a deprivation of the registered-letter and money-order systems shall only continue while the offending party is engaged in one of the schemes of enterprise described in the statute, and while the Postmaster-General is satisfied such party is so engaged.

"As the Postmaster-General ceased to be satisfied and so found and certified, what so natural as that the order founded solely upon his being satisfied fell to the ground?

"The law gives to the Postmaster-General no authority to suspend action. Upon evidence satisfactory to him he must act." (See Supervisors *vs.* United States, IV Wallace, 435.) Without evidence satisfactory to him the law gives him no right to act.

"When Postmaster-General Key ceased to be satisfied on the evidence submitted, he had no authority to suspend, but he did have authority, and it was his duty, to revoke, and, therefore, it is fairly to be presumed that this action of February 27, 1880, was a revocation.

"If the order was not revoked in terms, the finding on which it was based was revoked, and the result is necessarily the same. It is true that the present Postmaster-General (Gresham) in an opinion found in this record decides that such an order was only a suspension; but his predecessor, also a distinguished lawyer, was of the contrary opinion, * * * and I think it was necessary that the Postmaster-General should be again satisfied upon evidence, and should find that Dauphin was engaged in a scheme in violation of the statute.

"To repeat, the order prohibiting the use of the registered-letter and money-order systems to Dauphin is of doubtful validity and force, because it has once been suspended or revoked, and because there is no finding *in esse* of any Postmaster-General, upon satisfactory evidence, or upon any evidence, that Dauphin is engaged in any scheme or enterprise denounced by law. The Postmaster-General did at one time so find, but he afterwards publicly declared himself not satisfied."

Up to this point the argument of the court was to the effect that General Gresham had attempted to revive an order which had been suspended by General Key, the court holding that Key had no power to suspend, but he did have power to revoke, and that his action, therefore, amounted to a revocation, and furthermore, that General Gresham could not revive and execute an order no longer in existence. If this was all there was in the decision the question as to whether another order could be issued to deny the registry and money-order systems to the New Orleans National Bank might be considered; if it were not for the further statement by the court that—

"The facts found against the New Orleans National Bank, no matter how rep hensible they may be, are outside of the law, and the order against it, no matter h necessary it may be to enforce the orders against Dauphin, is unsupported by law.

A similar view had been taken of this case by Postmaster-General Howe, in respon to a resolution of the House of Representatives of date March 29, 1882, inquiri about the order of Postmaster-General Key first above referred to, and his subseque order "suspending it," and especially inquiring "Is said order operative now as t rule of the Department, and what are the limitations affecting it?"

General Howe answered, "I am advised that the original order of November 1879, was enforced according to its terms and intent until the order of suspensi was issued, since which time it has not been enforced."

* * * * * *

"The law only authorizes such an order to be enforced when the Postmaster-Ge eral acts upon evidence satisfactory to him that any person is engaged in conducti any fraudulent lottery * * * or other scheme or device for obtaining mon through the mails by means of false and fraudulent pretenses," etc.

The order of suspension, General Howe said, was based upon the statement of Gene Key that he was not "satisfied from the evidence submitted to him that said Daup is engaged in a scheme or device for obtaining money through the mails by means false and fraudulent pretenses," etc.; and he therefore concluded that "this sta ment not only in fact suspended the order, but admitted that the Postmaster-Gene had not longer power to keep such an order in force."

Notwithstanding the view taken of Key's order of suspension by the circuit co at New Orleans and the further fact that no order has been issued against Daup since that of Postmaster-General Gresham, which the court held to be inoperati yet the delivery of registered letters and the payment of money-orders directed Dauphin in his several capacities have been withheld from him, and without prot from him, but the privileges of the registry and money-order systems have been c tinued to the New Orleans National Bank without question.

Query: Can the Postmaster-General, under sections 3929 and 4041, Rev. Stat., is and enforce an order against the New Orleans National Bank forbidding the delive of registered letters and the payment of money-orders directed to it, upon the s position that it is the agent of the Louisiana State Lottery Company? To enfo such an order it is necessary to include within its terms all such mail as is direct to said bank, that which concerns its proper and legitimate business as well as t which refers to the business of the lottery company. Would such an order lie agai an institution chartered under the national banking laws?

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 197.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A draft of a bill providing for the attendance of witnesses before town-site trustees in Oklahoma.

JULY 30, 1890.—Referred to the Committee on Territories and ordered to be printed

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DEPARTMENT OF THE INTERIOR,
Washington, July 28, 1890.

SIR: The act to provide for town-site entries of land in what is known as "Oklahoma," and for other purposes, approved May 14, 1890, fails to confer any power upon the boards of trustees to issue subpœnas for the attendance of witnesses before said boards, or to provide any penalty for refusal of any witness to obey such subpœna.

Deeming that it is essential to the success of the labors of the respective boards that such power should be conferred I beg leave to lay before the Senate the opinion of the Assistant Attorney-General assigned to this Department upon the subject and the form of a bill authorizing the issuance of subpœnas in such cases and request that early action may be taken thereon.

Most respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1890.

SIR: A letter dated July 18, 1890, from Winfield S. Smith, of Guthrie, Oklahoma, and addressed to you, calls attention to the necessity of conferring authority upon the boards of town-site trustees in said Territory to issue subpœnas for the attendance of witnesses in cases that may come before them. This letter you referred to me with the request that you should be advised as to whether, under the Oklahoma town-site laws or other United States statutes, the said town-site trustees have the power to compel the attendance of witnesses, and if no such authority now exists to prepare a bill which will give such power to said boards.

In response to your reference I have the honor to report that under the law as it now stands the boards of town-site trustees are without

authority to compel the attendance of witnesses, and that I have in cordance with your request prepared the draft of a bill, submitted he with, which is intended to confer upon said boards the requisite thority to secure the presence and testimony of witnesses in proce ings that may be pending before them in their official capacity as tru ees.

Respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General

The SECRETARY OF THE INTERIOR.

A BILL TO AUTHORIZE THE ISSUANCE OF SUBPŒNAS FOR THE ATTENDANCE OF W NESSES BEFORE TOWN-SITE TRUSTEES IN OKLAHOMA.

Be it enacted by the Senate and House of Representatives of the United States of Ame in Congress assembled, That in proceedings before town-site trustees appointed un the act entitled "An act to provide for town-site entries of lands in what is kno as Oklahoma, and for other purposes," approved May 14, 1890, any board of s trustees shall have authority to issue subpœnas for the attendance of witnesses fore said board at such time and place as may be designated therein: *Provided,* T such witnesses shall be entitled to the same fees as witnesses before the dist courts of the Territory of Oklahoma, and that the party applying for the issua of a subpœna shall be required to deposit a sum sufficient to pay said fees.

SEC. 2. In any case where a witness fails or refuses to obey a subpœna issue herein provided, or where a witness in a proceeding before any such board refuse answer legal and proper questions, the said board is authorized to certify the fa with respect to the failure or refusal of the witness to appear, or refusal to testify the nearest district court of the Territory of Oklahoma, and such certification sh confer upon said court the jurisdiction to hear and determine said matter, with power to punish as in cases of contempt in said court.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 198.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

In response to Senate resolution of July 23, 1890, information touching the alleged arrest of A. J. Diaz in Cuba.

JULY 30, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith a report from the Acting Secretary of State, in response to a resolution of the Senate of the 23d instant, calling for information touching the alleged arrest and imprisonment of A. J. Diaz by the Cuban authorities, and the action which has been taken in respect thereto.

It will be seen that Mr. Diaz has been released.

BENJ. HARRISON.

EXECUTIVE MANSION, *Washington, July* 30, 1890.

DEPARTMENT OF STATE,
Washington, July 30, 1890.

TO THE PRESIDENT:

The Acting Secretary of State, to whom was referred a resolution of the Senate of the 23d instant, requesting information touching the alleged arrest and imprisonment of Rev. A. J. Diaz, an American citizen, by Cuban authorities, and any action which has been taken in respect thereto, has the honor to transmit a copy of the telegraphic and other correspondence in the premises which the Department has in its possession. The Rev. Mr. Diaz was released on the 27th of June.

Respectfully submitted.

WILLIAM F. WHARTON.

INCLOSURES.

1. Messrs. Tichenor and Adair to Mr. Blaine, June 27, 1890 (telegram).
2. Mr. Stewart to Mr. Blaine, June 27, 1890 (telegram).
3. Mr. Brown to Mr. Blaine, June 27, 1890 (telegram).
4. Mr. Blaine to Mr. Brown, June 28, 1890.
5. Mr. Wharton to Messrs. Tichenor and Adair, June 28, 1890.
6. Mr. Blaine to Mr. Stewart, June 28, 1890.

7. Mr. Wharton to Consul-General Williams, June 28, 1890.
8. Mr. Williams to Mr. Wharton, June 28, 1890 (telegram). (Received June 30.)
9. Mr. Williams to Mr. Wharton, No. 1151, June 30, 1890. (Received July 8.)
10. Messrs. Wayland and Culver to Mr. Blaine, June 30, 1890. (Received July 2.)
11. Mr. Diaz to Mr. Blaine, July 1, 1890 (telegram). (Received July 2.)
12. Mr. Diaz to Mr. Blaine (with inclosure), July 1, 1890. (Received July 9.)
13. Mr. Tichenor to Mr. Wharton, July 2, 1890. (Received July 5.)
14. Mr. Adee to Mr. Wayland, July 3, 1890.
15. Mr. Adee to Mr. Stewart, July 5, 1890.
16. Mr. Paine to Mr. Blaine (telegram), July 8, 1890.
17. Mr. Adee to Mr. Paine, July 10, 1890.
18. Mr. Adee to Mr. Williams, No. 543, July 12, 1890.
19. Mr. Adee to Mr. Diaz, July 12, 1890.
20. Mr. Simmons to Mr. Blaine (telegram), July 21, 1890. (Received July 21.)
21. Mr. Adee to Mr. Simmons, July 21, 1890.

No. 1.

Messrs. Tichenor and Adair to Mr. Blaine.

[Telegram.]

ATLANTA, GA., *June* 27, 1890.

Have just received intelligence that one of our missionaries, Rev. A J. Diaz, an American citizen, has been imprisoned in Havana in viola tion of law. We request your early attention to this matter.

J. T. TICHENOR,
Secretary.
A. D. ADAIR,
Treasurer.

No. 2.

Mr. Stewart to Mr. Blaine.

[Telegram.]

ATLANTA, GA., *June* 27, 1890.

Rev. A. J. Diaz, an American citizen and a missionary, has been im prisoned in Havana. As president of the board which employs him, I invite your early attention to his case.

JOHN D. STEWART, M. C.

No. 3.

Mr. Brown to Mr. Blaine.

[Telegram.]

ATLANTA, GA., *June* 27, 1890.

Doubtless you have telegrams announcing arrest of Rev. A. J. Diaz, Havana, Cuba, an American citizen who has charge of missions for the Home Missionary Board of the Southern Baptist Convention. I am

satisfied he is an able and good man, and represents a good cause and a numerous denomination. Please do all you can for his immediate release and protection.

JOSEPH E. BROWN, U. S. S.

No. 4.

Mr. Blaine to Mr. Brown.

DEPARTMENT OF STATE,
Washington, June 28, 1890.

SIR: I have the honor to acknowledge the receipt of your telegram of the 27th instant, in relation to the arrest in Havana of the Rev. A. J. Diaz, and to say in reply that our consul-general at Havana has been instructed by cable to investigate the matter and report the facts, and in the mean time to take such steps as he may deem necessary.

I have, etc.,

JAMES G. BLAINE.

No. 5.

Mr. Wharton to Messrs. Tichenor and Adair.

DEPARTMENT OF STATE,
Washington, June 28, 1890.

GENTLEMEN: I have to acknowledge the receipt of your telegram of yesterday relating to the arrest of Rev. A. J. Diaz, at Havana, and to inform you than the consul-general of the United States at Havana has been instructed by telegram to investigate the matter and report, and in the mean time to take such steps as he may deem necessary.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

No. 6.

Mr. Blaine to Mr. Stewart.

DEPARTMENT OF STATE,
Washington, June 28, 1890.

SIR: I have the honor to acknowledge the receipt of your telegram of yesterday relating to the imprisonment of Rev. A. J. Diaz, at Havana, and to inform you that the consul-general of the United States at Havana has been instructed by telegram to investigate and report in this matter, and in the meanwhile to take such action as may be necessary.

I have, etc.,

JAMES G. BLAINE.

No. 7.

Mr. Wharton to Mr. Williams.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 28, 1890.

Representations are made to the Department from various sources that missionary named Diaz, American citizen, unlawfully imprisoned Havana. Investigate and report, taking meanwhile such action as you may deem necessary.

WHARTON.

No. 8.

Mr. Williams to Mr. Wharton..

[Telegram.]

UNITED STATES CONSULATE,
Havana, June 28, 1890. (Received June 30.)

The three Baptist missionaries detained by police on the night of the 25th, for non-compliance with the law governing public meetings, released yesterday by order of court.

WILLIAMS,
Consul-General.

No. 9.

Mr. Williams to Mr. Wharton.

No. 1151.] UNITED STATES CONSUL-GENERAL,
Havana, June 30, 1890. (Received July 8.)

SIR: I have the honor to acknowledge receipt of your telegram of the 28th (Saturday) instant, instructing me to investigate and report on the imprisonment of the Rev. A. J. Diaz, an American citizen. When your telegram reached me the three Baptist missionaries were already released; for I had interfered and finished with good offices of this consulate on behalf of Mr. Diaz, having commenced them with the civil governor as early as 9 o'clock of the morning of the 26th. But, on the receipt of your telegram, I called again to see the civil governor, who re-affirmed that they had been released the day before by order of the court, adding, in reply to my question, that they had been arrested for non-compliance with the law governing public meetings, of which I informed you by telegraph.

For the purpose of completing the investigation, I have addressed an official note to the civil governor of the province, under this date, asking to be informed of the reasons for the incarceration of Mr. Diaz. As soon as his answer is received I will report fully upon the subject.

Meantime, I have, etc.,

RAMON O. WILLIAMS,
Consul-General.

No. 10.

Messrs. Wayland and Culver to Mr. Blaine.

1420 CHESTNUT STREET, PHILADELPHIA,
June 30, 1890. (Received July 2.)

SIR: At the quarterly meeting of the Ministerial Union of Philadelphia and vicinity, held this day, the attention of the Union was called to the fact that the Rev. A. J. Diaz, a Baptist minister in good repute, stated to be a citizen of the United States, who has been laboring for some years as a missionary in Cuba, has been arrested by the Cuban authorities, and is now suffering imprisonment. The Union learned with gratification that you have cabled to the consul-general at Havana, requesting him to inquire and report upon the case.

The undersigned were appointed a committee to communicate with you, and to express the earnest desire of the Union that you would use every suitable effort to secure the enjoyment of religious liberty upon the island of Cuba, and to prevent the infringement of the religious and civil rights of any American citizen.

We have the honor, etc.,

H. L. WAYLAND.
ANDREW CULVER.

No. 11.

Mr. Diaz to Mr. Blaine.

[Telegram.]

HAVANA, *July* 1, 1890. (Received July 2.)

Government don't explain reasons about my imprisonment to Williams.

DIAZ.

No. 12.

Mr. Diaz to Mr. Blaine.

HAVANA, CUBA, *July* 1, 1890. (Received July 9.)

SIR: With this date I send a copy like the one inclosed to Mr. Williams.

Up to the present time the Government has kept Mr. Williams in ignorance in regard to the reasons of my being put in jail, their excuse being that the mayor did not appear when he was called, but this is false, as the mayor came every day to see the Government, as two American citizens are ready to testify; on this occasion he came three times a day.

Their idea is to deceive the consul so as to gain time to arrange this violation of the law.

The consul has asked for my release several times, and it was promised but not fulfilled. I have finally been released under bail of $1,400.

Very respectfully, yours,

A. J. DIAZ.

[Inclosure to No. 12.]

Mr. Dias to Mr. Williams.

HAVANA, CUBA, *June* 27, 1890.

HONORABLE SIR: Allow me to give you the details of our accusation, which w be sent to Washington to-day.

On the evening of the 25th I went, as Superintendent of these Missions, to t town of Guanabacoa, with the object of visiting one of the churches of our denom nation.

We commenced our services about 8 o'clock with a congregation of four hundr people.

At the conclusion of my sermon I was interrupted by the police, who commande me to close the service. I did so, and I was notified by one of them that I was a rested in the name of the mayor. Without any resistance or offering the slighte remark I gave myself up and I was conducted by six police and three wardens the court-house, together with two other ministers, Rev. Angel Godinez and Mr. D siderio Herrera. Once in the presence of the mayor I was accused by him of di obeying his authority by holding that meeting. I answered that I had not com mitted any infringement, as I was in a chapel that had been granted legally, and had the privilege of celebrating as many services as I chose there, according article 11 of the law.

He expressed some surprise and said that no notice of opening said chapel had bee given. Mr. Herrera, owner of the house and in charge of the chapel, said that noti had been given on the 20th of November, 1889, and the notice had been placed in t hands of the judge of the district, Mr. Andres Valenzuela.

In that same instant the recorder and inspector of the municipality (Mr. Pitar presented himself and said to the mayor "I saw the notice when it was presented "Who received it?" again asked the mayor; then Mr. Canales, secretary of th ward, came forward and said, "I received it and recorded it in the registry of th ward, and then referred it to the municipality."

Order was given to look up the notice in the registry, and it was not to be foun on the date specified, the mayor's intention being to carry out the affair to t utmost extent, and send us to prison. With this in view I called a notary to pr test the violation at that hour. None was there, so I sent for five witnesses to mak a protest. The witnesses were the following: Mr. Francisco Elozua, Mr. Thom Alfonzo, Mr. J. Porta, Mr. Manuel Cotina, and Mr. Aniceto Fernandez.

In endeavoring to write the details we were prevented by the mayor, who sai "here no one writes." Not wishing to bring about any violence ourselves we d sisted, but we recommended the witnesses to remember well all that had transpire to give an account of it afterwards.

The notice was not found on account of carelessness of the recorder not making h accounts according to date.

The mayor and the warden made a document, the contents of which I ignore, as was made privately.

From the court-house we were taken before the judge, who made an affidavit, an also the warden of the district who had received the notice of our chapel. Notwit standing this we were conducted like culprits through the town guarded by polic and soldiers. At 2 a. m. we were put into the public prison, together with the crim nals and malefactors.

During our confinement in the prison the notice was found in the record of the cour house, page 626. No. 916, February 19, 1890, instead of November, when the notic was delivered. When it was found it was taken to Havana by Mr. Malcuello, chi of the clerks, to show it to the mayor, who was at that time at the Civil Governmen So we were prisoners nineteen hours on account of the absence of the notice, but whe it was found the most natural thing was to confess the error. Such was not the cas The notice is as follows:

BAPTIST CHURCH.

"With this date services of this Church begin in Bertematy St. 38, which I hav the honor of giving notice according to law.

"P. DESIDERIO HERRERA.

"20 of Nov., 1889."

After twenty-six hours of imprisonment we were notified of formal imprisonmen based on the plea that Mr. Desiderio Herrera had not mentioned who was pasto rector, or person in charge, not understanding that the P preceding the name stand for pastor. When the notice was produced the judge went to the court-house an the mayor made an affidavit and declared: It is necessary that we should be in formed of these proceedings, as it is known that some judges change and arrang pages of declarations as seems convenient to them.

The notice with which we were sent to prison says "That Mr. A. J. Diaz, Mr. Angel Godinez, and Mr. Desiderio Herrera were conducted there for being accused of celebrating criminal and illegal meetings."

About fifty hours we were locked up and would have remained there until now or perhaps longer if we had not been fortunate enough to find a person who went bail for us for $1,200. The shame of the violation and the low criticisms of being conducted through the streets publicly, sleeping in the air these two nights altogether has contributed in developing in me a gastric fever, according to the diagnosis of the attending physician. Considering all, the authority has violated the constitution in several lights.

The names of those witnesses mentioned in this history are ready to testify to all that has occurred, and present themselves to the consul and give all affidavits and declarations desired. Now, how is it that seven months we have been holding meetings in that chapel without being molested, and after all this lapse of time this violation is committed? It is simply a pretext that they wanted, and relieves me of all compromise, as the judge says one word is omitted to make the document legal. Seven months gave the mayor sufficient time to exact the correction of this mistake, in case of its existence. Not receiving the notice and ask the mistake to be rectified all would have been complied with. Had the mistake been true, the responsible party would have been the one who delivered the notice and not Rev. Godinez and myself.

So, honorable sir, I hope you will interest yourself in this matter and see that justice is done us.

I inclose the papers that publish all the particulars of this occurrence.

Very respectfully, yours,

A. J. DIAZ.

No. 13.

Mr. Tichenor to Mr. Wharton.

HOME MISSION BOARD OF S. B. CONVENTION,
Atlanta, Ga., July 2, 1890. (Received July 5.)

SIR: I have the honor to acknowledge the receipt of your favor of June 28 in relation to the imprisonment of Rev. A. J. Diaz in Havana, Cuba.

Please accept the thanks of the home mission Board of the S. B. Convention for the promptness with which you have given instructions in this matter.

Your obedient servant,

J. T. TICHENOR,
Corresponding Secretary.

No. 14.

Mr. Adee to Mr. Wayland.

DEPARTMENT OF STATE,
Washington, July 3, 1890.

SIR: I have to acknowledge the receipt of your letter of June 30, in regard to the arrest in Cuba of the Rev. A. J. Diaz, and to inform the Ministerial Union of Philadelphia, through you, that a telegram has been received from the consul-general at Havana announcing that the three Baptist missionaries detained by police on the night of the 25th for non-compliance with the law governing public meetings, were released June 27 by order of court.

I am, etc.,

ALVEY A. ADEE,
Second Assistant Secretary.

No. 15.

Mr. Adee to Mr. Stewart.

DEPARTMENT OF STATE,
Washington, July 5, 1890.

SIR: In answer to your telegram of June 27 I have the honor to in form you that a telegram has been received from the consul-general a Havana, announcing that the three Baptist missionaries detained b the police on the night of June 25 for non-compliance with the lav governing public meetings, were released June 27 by order of th court.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

No. 16.

Mr. Paine to Mr. Blaine.

[Telegram.]

BOSTON, *July* 8, 1890. (Received July 8.)

Has Rev. Diaz been liberated from prison in Havana, Cuba?

J. S. PAINE.

No. 17.

Mr. Adee to Mr. Paine.

DEPARTMENT OF STATE,
Washington, July 10, 1890.

SIR: In answer to your telegram of July 8, I have to inform you tha a telegram was sent to you worded as follows:

To J. S. PAINE, *Boston:*

Havana consulate reports that the three missionaries, including Mr. Diaz, wh were detained by police for non-compliance with law regarding public meeting were released June 27 by order of court, after earnest intervention by consul-general

The Department, on learning of the arrest of Mr. Diaz, immediatel telegraphed to the consul-general to intervene in his behalf. This th consul-general, with his usual energy, had already done before the re ceipt of the telegram, and the release was secured after a short delay

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

No. 18.

Mr. Adee to Mr. Williams.

No. 543.] DEPARTMENT OF STATE,
Washington July 12, 1890.

SIR: A letter has been received at the Department from the Rev. A J. Diaz, dated July 1, in regard to his imprisonment, and Mr. Diaz re ports that a similar letter has been addressed to you.

The letter sets forth facts, which if confirmed, tend to show that Mr. Diaz, as well as the two other missionaries, has suffered needless arrest and imprisonment, since steps had been taken in good faith to legalize the services.

You will please use every effort to elicit the exact facts.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

No. 19.

Mr. Adee to Mr. Diaz.

DEPARTMENT OF STATE,
Washington, July 12, 1890.

SIR: In answer to your letter of July 1, relating to your arrest and imprisonment, I have to inform you that the consul-general at Havana has been instructed to thoroughly investigate the case and to use every effort to arrive at the exact facts.

I am etc.,

ALVEY A. ADEE,
Acting Secretary.

No. 20.

Mr. Simmons to Mr. Blaine.

[Telegram.]

HENDERSON, KY., *July* 21, 1890. (Received July 21.)

Rev. A. J. Diaz, a citizen of the United States, has been, it seems, unlawfully imprisoned in Cuba. Has he been released?

GEO. H. SIMMONS.

No. 21.

Mr. Adee to Mr. Simmons.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 21, 1890.

Rev. A. J. Diaz was released June 27 on intervention of consul-general.

ALVEY A. ADEE,
Acting Secretary.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 199.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to resolution of July 10, reports of the Director of the Geological Survey and Commissioner of the General Land Office, relative to the selection of sites for reservoirs.

JULY 31, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, July 30, 1890.

SIR: The Senate transmitted to this department a resolution dated the 10th instant, as follows:

Resolved by the Senate. That the Secretary of the Interior be directed to inform the Senate if the Director of the Geological Survey in selecting sites for reservoirs has actually surveyed and marked the boundaries of the areas by him selected so that the land upon which water is to be stored can be distinguished on the ground from other land and be officially delineated on the Land Office maps; also if the Director in selecting lands susceptible of irrigation has caused to be surveyed and marked the boundaries of such lands so that the same can be distinguished on the ground known to the public, and marked on the Land Office maps. And also, to inform the Senate whether or not the Director of the Geological Survey has included in the land designated by him for reservoir sites any land not intended to be used for the storage of water; and whether or not the said Director has included in his designation of lands susceptible of irrigation land which can not be irrigated.

To the inquiry of your honorable body, reply based upon the report of the Director of the Geological Survey and the Commissioner of the Land Office (copies of which documents are herewith forwarded) is made as follows:

(1) The Director of the Geological Survey reports that he has actually surveyed and marked the boundaries of the areas of the sites for reservoirs by him selected to the extent mentioned in the resolution and in the manner set forth in the report of the Director, and the tracts so segregated are so marked on the ground that they can be discovered on the ground, and are so designated to the Land Office that they can be delineated on the office maps.

The method is as follows: (*a*) The best sites on any given stream are selected so that its water may be controlled and after survey appropriate stones are planted as bench-marks on the contour lines or levels of the highest water that it is contemplated the reservoirs will respectively hold; by them and the plat that is also constructed, the margin of the reservoir can always be determined. (*b*) If the land reserved for the reservoir is not covered by the water of a lake it is examined with reference to the general land survey system, that divides the country into ranges, townships, sections and their subdivisions, and these divisions and names are used in describing such sites, and

are so designated to the General Land Office. But as the reservo are bounded by meandering lines and the boundaries of the Unit States surveys are right lines, there thus arises a discrepancy betwe the outlines of the one and the other, but this is readily rectified b comparison of the plat of the reservoir and the Land Office plats of s veys. This distinction is rarely necessary, however, for the reas that the reservoir sites are above and away from the lands to be i gated, often at long distances and frequently in the mountains, su as are not fit for agriculture. If they are in part mineral lands th could be disposed of only so far as not reserved, on special surveys made by the Government.

(2) The lands "susceptible of irrigation" are already surveyed, far as the work has progressed, into the ordinary legal subdivisions the United States surveys, and the Irrigation Survey, as part of Geological Survey, having ascertained their susceptibility to irrigati designates them by the usual subdivisions. The lists are forwarded the Director to the Secretary, who orders the reservation in accorda with the report of the Director. The Irrigation Survey merely disc ers the present general land surveys, ascertains the susceptibility irrigation of the lands, and so reports the same that they can be tinguished on the ground known to the public and marked on the l office maps.

(3) In the reservoir sites selected only so much land has in each stance been reserved as is intended to be used for the storage of wa In the selection of land susceptible of irrigation every division de nated or selected to be hereafter designated is believed to be susce ble of irrigation; but in many there are necessarily portions that not be irrigated with economy, as for instance (as the Director stat "when there are ravines, arroyos, and streams, hill-sides too steep irrigation, rocky ledges, and stony places. These are not specifica excluded from the selections." When the reservoirs are at a dista from the streams supplying the water, as is usually the case, the ca sites are discovered and surveyed.

The surveys and selections under the act of October 2, 1888, up this time have ended with the work hereinbefore specified, and th have not been carried on nor are they under present instructions tended to be carried to the extent of planning a system of cana ditches, checks, and furrows for the distribution of the water o farms which it is deemed the people when they come to cultivate th lands can better do themselves.

The general purpose and plan of this Department under the law bei to do no more than to recognize the effect of the statute that imperativ reserves the reservoirs, ditches, and lands therein expressly name and by appropriate executive action to let it operate distinctiv upon the vast territories to which it applies by its own terms; prese ing now as rapidly as possible the sources of water supply from t possession or appropriation by individuals or corporations, that co thereby dominate all the people dependent for the fertility of th farms and the preservation of their homes upon the element of wat It is believed to be the duty of this Department, so long as this statu remains, to enforce it, that its fruits, at least in the preservation of t sources and reservoirs of water, may be kept under either national State governmental control.

Most respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
U. S. GEOLOGICAL SURVEY,
Washington, D. C., July 21, 1890.

The SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of the following resolution of the Senate, together with instructions calling for a report from the Director of the Survey in reply to the interrogatories contained therein:

IN THE SENATE OF THE UNITED STATES,
July 10, 1890.

Resolved by the Senate, That the Secretary of the Interior be directed to inform the Senate if the Director of the Geological Survey, in selecting sites for reservoirs, has actually surveyed and marked the boundaries of the areas by him selected so that the land upon which water is to be stored can be distinguished on the ground from other land and be officially delineated on the Land Office maps; also if the Director, in selecting lands susceptible of irrigation, has caused to be surveyed and marked the boundaries of such lands so that the same can be distinguished on the ground known to the public and marked on the Land Office maps. And also to inform the Sena e whether or not the Director of the Geological Survey has included in the land designated by him for reservoir sites any land not intended to be used for the storage of water; and whether or not the said Director has included in his designation of lands susceptible of irrigation land which can not be irrigated.

Attest:

ANSON G. MCCOOK,
Secretary.

The four interrogatories in the above resolution will be answered in order:

First. It is asked "if the Director of the Geological Survey in selecting sites for reservoirs has actually surveyed and marked the boundaries of the areas by him selected so that the land upon which water is to be stored can be distinguished on the ground from other land and be officially delineated on the Land Office maps."

The categorical reply to the above interrogatory is affirmative. The tracts segregated and designated as sites for reservoirs are so marked on the ground that they can be discovered on the ground, and are so designated to the Land Office that they can be delineated on the Land Office maps. The method of accomplishing these ends is as follows:

(1) For a given stream many reservoir sites may be discovered. From these a sufficient number of the best are selected to control the water which can be supplied by the stream. The reservoir sites thus chosen as being the best under all conditions are then surveyed on the ground, and a stone is planted as a bench-mark on the contour line or level of the highest water which the contemplated reservoir will hold. Such bench-mark serves as a datum point in the line of the margin or boundary of the reservoir.

(2) A plat of the reservoir is then constructed, and from this datum point, by the use of the plat, the margin of the reservoir can always be determined.

(3) If a tract of land is not a lake—and few of them are lakes—the lands within the reservoir site are then examined for the purpose of determining into which of the legal subdivisions of the General Land Office system they fall. A new parceling survey is not made, but the existing survey, dividing the country into ranges, townships, sections, and subdivisions of sections, is adopted as being the legal method for parceling these lands, and the Land Office terms the legal terms for des-

ignating them. Having thus discovered what lands are within t reservoir site, they are designated in Land Office terms, by legal sub visions, to the Land Office as being the lands embraced in the reserv site.

The Land Office surveys are right-line surveys. The reservoir sit are bounded by meandering lines. It thus happens that about t margin of the site there are legal subdivisions of land a part of whi is within the reservoir site and a part without. To determine the r ervoir from the non-reservoir portions of such tracts it is necessary compare the plat of the reservoir with the Land Office plat of the lan and this can always be done whenever it is necessary to distingui the land in this manner. This will rarely be necessary, for the follo ing reasons:

(*a*) All reservoir sites are necessarily above and away from the lan to be irrigated; in fact, the reservoir sites are largely in the mountai and in many cases long distances from the lands. The lands abo them are not usually agricultural lands; that is, they are not lands th can be cultivated, and will therefore not go into the hands of agricu urists proper. They may in some cases be mineral lands. When di posed of as such by the General Government, titles are based up special surveys adapted to the special conditions, and the surveys a made by special officers not paid by the General Government, and a verified by ex parte evidence.

(*b*) The slopes of land immediately above the reservoirs also shou be embraced in the reservoir sites, though the law does not make su provision. The lands not being agricultural lands, no waste of la would arise from such a provision, while if such slopes were part of t reservoir sites they could be protected, greatly to the advantage of t reservoirs.

Second. It is asked "if the Director in selecting lands susceptible irrigation has caused to be surveyed and marked the boundaries such lands so that the same can be distinguished on the groun known to the public, and marked on the Land Office maps?"

The lands "susceptible of irrigation" so far as the work has yet pr gressed are already surveyed into parcels, tracts, or legal divisio and subdivisions, and designated by legal Land Office terms. Such survey, therefore, is not necessary, and is not contemplated in the la defining the duties of the Geological Survey. But the Irrigation Su vey, as a part of the Geological Survey, designates what lands alread surveyed into divisions and subdivisions are "susceptible of irrigation under the provisions of the law, and, having selected them in this ma ner, designates such lands to the Land Office in Land Office terms, th is, by the legal divisions and subdivisions. It does not make suc divisions and subdivisions upon the ground nor interfere in any wa with the present land surveys, but only discovers them and designat them, "so that the same can be distinguished on the ground, known the public, and marked on the Land Office maps.

Third. It is asked "whether or not the Director of the Geologic Survey has included in the land designated by him for reservoir sit any land not intended to be used for the storage of water?"

Only land intended to be used for the storage of water has been i cluded in reservoir sites.

Fourth. It is asked "whether or not the said Director has included his designation of lands susceptible of irrigation land which can not b irrigated?"

Every division of land designated to the Land Office, or selected

be hereafter designated, is believed to be "susceptible of irrigation" in whole or in part. The lands are selected in bodies by legal divisions and subdivisions, but not all of each tract can be irrigated with economy. There are many tracts portions of which only can be irrigated; that is, there are ravines, arroyas, and streams cutting some lands, and wherever that is the case there are portions which cannot be economically irrigated. There are hillsides too steep for cultivation; there are hilltops so elevated that water can not be taken to them with economy; and there are rocky ledges and cliffs and stony places which can not be irrigated and cultivated with economy. The survey does not attempt to delineate and exclude such tracts from the lands selected, but selects lands in whole or in part "susceptible of irrigation" under the provisions of the statute.

The survey, as carried on so far, discovers and surveys reservoir sites. When such reservoir sites are away from the streams which afford the supply of water, as is usually the case, canal sites from the streams to the reservoir sites are discovered and surveyed. Then canal sites from the reservoir sites to the bodies of land are discovered and surveyed. Then the lands are discovered and designated. As carried on up to the present time, and as the law is understood by the Director, the work of the survey ends here It does not enter upon the irrigable lands for the purpose of laying out a system of ramification of canals, ditches, checks, and furrows for the distribution of water upon those lands. Such a survey is unnecessary to carry out the provisions of the statute as it is understood by the Director, as explained by him in his reports and as stated by him to committees of the Congress.

To plan a system of canals, ditches, checks, and furrows would be an expensive work and would cost at least ten times as much as that in which the Survey is actually engaged, and when completed would be of little practical value, for the people actually settling upon the land will desire to exercise some choice in the methods of irrigation and adapt them to the conditions existing at the time when the lands are brought under cultivation. If the lands are designed for gardens, orchards, and vineyards, a system of irrigation is adopted which differs from that adopted for cultivating fields. Again, there are different systems in vogue for spreading the water upon fields. The cruder systems are first used; the better systems are gradually developed as the lands increase in value with the growth of population and the development of markets.

It is believed that such a system of surveys is not required by the law; from the history of the enactment of the statute it appears that it was not contemplated, and if made it could not be adapted to anything but ideal conditions, and therefore it would not be of practical value to the people.

The resolution is returned herewith.

I am, with great respect, your obedient servant,

J. W. POWELL,
Director.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 16, 1890.

The SECRETARY OF THE INTERIOR:

SIR: I have had the honor to receive your letter of the 12th instant, inclosing Senate resolution of the 10th instant, in reference to selections by the Director of the Geological Survey of lands as sites for

reservoirs and as irrigable lands under the act of Congress of Octo 2, 1888, and requesting that I give you a reply to the resolution so far the records of this Office will enable me. The resolution is in the f lowing words, viz:

Resolved by the Senate, That the Secretary of the Interior be directed to inform Senate if the Director of the Geological Survey in selecting sites for reservoirs actually surveyed and marked the boundaries of the areas by him selected so that land upon which water is to be stored can be distinguished on the ground from ot land and be officially delineated on the Land Office maps; also, if the Director in lecting lands susceptible of irrigation has caused to be surveyed and marked boundaries of such lands so that the same can be distinguished on the ground kno to the public and marked on the Land Office maps. And also to inform the Sen whether or not the Director of the Geological Survey has included in the land de nated by him for reservoir sites any land not intended to be used for the storag water, and whether or not the said Director has included in his designation of la susceptible of irrigation land which can not be irrigated.

In reply, I have to state, first, that the selections made by the Dir tor of the Geological Survey, under the authority of the act of Octo 2, 1888, and reported to this office, for sites for reservoirs, are ma for the most part by designating certain lands by the proper legal s divisions, and are not accompanied by any evidence that the bou aries of the sites have been actually surveyed and marked out wit the lines of the legal subdivisions described. In some instances la are named as being embraced in designated townships, and lands tending for a specified distance from high-water mark of such lak Whether the boundaries of the sites are actually so surveyed a marked out in any case, I am unable to state.

Second. With regard to the selections of irrigable lands made by t Director, they also were made by legal subdivisions as lands suscep ble of irrigation and properly coming within the provisions of the s act of October 2, 1888, and the lists thereof were received here w letters from the Hon. Secretary of the Interior stating that they w so selected, two of which letters, dated March 13, 1890, read as follo viz:

[Secretary's letter to Commissioner of March 13, 1890, office number 31582.]

I inclose herewith a list of lands in Idaho and Wyoming, sent to this Departm by the Director of the United States Geological Survey, by letter of November 1889, with the recommendation that the lands embraced therein "be segregated conformity with the statute of October 2, 1888, and that the General Land Office instructed to refuse further filings on those lands, and to cancel all filings m thereon subsequent to the date of the approval of the law." These lands are non them specifically designated or selected for sites for reservoirs, ditches, or canals irrigation purposes, but it is asked that they be withdrawn and segregated as la susceptible of irrigation. It is important that all lands affected by said act of Oc ber 2, 1888 (25 Stats., 526), should be definitely designated as speedily as possib but it is equally important that no lands not authorized and required by said act be segregated should be included in these lists.

You will please examine at your earliest convenience, in connection with the r ords of your office, said list, and report all tracts embraced therein which appear to be included within the provisions of said act, together with the reasons theref for my information. If no objections to the withdrawal of said tracts under the p visions of said act of October 2, 1888, appear, you will take the necessary steps carry out the provisions of said act in regard thereto. You will please notify t Geological Survey of whatever action may be taken in the premises. I would ur upon you the importance of prompt action in this matter.

[Secretary's letter to Commissioner, of March 13, 1890. Office No. 31,578.]

I inclose herewith a list of lands in the Bear River Valley, sent to this Department the Director of the United States Geological Survey by letter of December 19, 18 This list was made upon information gained by a survey made for the purpose of ma ing all irrigable lands with the view of segregation in accordance with the provisio of the act of October 2, 1888 (25 Stats., 526).

You will please proceed at once, in accordance with the suggestions in my letter of this date in regard to a similar list of lands in Idaho and Wyoming, to examine this list and take such action thereon as may be appropriate.

Separate copies of these letters are herewith.

Third. There is nothing on the records of this office to enable me to say whether or not the Director of the Geological Survey has included in the lands designated by him for reservoir sites any land not intended for the storage of water, or whether he has included in his designation of lands susceptible of irrigation any land which can not be irrigated.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1890.

The COMMISSIONER OF THE GENERAL LAND OFFICE:

SIR: I inclose herewith a list of lands in Idaho and Wyoming, sent to this Department by the Director of the United States Geological Survey, by letter of November 9, 1889, with the recommendation that the lands embraced therein

be segregated in conformity with the statute of October 2, 1888, and that the General Land Office be instructed to refuse further filings on those lands, and to cancel all filings made thereon subsequent to the date of the approval of the law.

These lands are none of them specifically designated or selected for sites for reservoirs, ditches, or canals for irrigation purposes, but it is asked that they be withdrawn and segregated as lands susceptible of irrigation. It is important that all lands affected by said act of October 2, 1888 (25 Stat., 526), should be definitely designated as speedily as possible, but it is equally important that no lands not authorized and required by said act to be segregated should be included in these lists.

You will please examine, at your earliest convenience, in connection with the records of your Office, said list, and report all tracts embraced therein which appear not to be included within the provisions of said act, together with the reasons therefor, for my information. If no objections to the withdrawal of said tracts under the provisions of said act of October 2, 1888, appear, you will take the necessary steps to carry out the provisions of said act in regard thereto. You will please notify the Geological Survey of whatever action may be taken in the premises. I would urge upon you the importance of prompt action in this matter.

Very respectfully,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1890.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: I inclose herewith a list of lands in the Bear River Valley sent to this Department by the Director of the U. S. Geological Survey by letter of December 19, 1889. This list was made upon information gained

by a survey made for the purpose of marking all irrigable lands wi the view of segregation, in accordance with the provisions of the act October 2, 1888 (25 Stat., 526).

You will please proceed at once, in accordance with the suggestions my letter of this date in regard to a similar list of lands in Idaho a Wyoming, to examine this list and take such action thereon as may appropriate.

Very respectfully,

JOHN W. NOBLE,
Secretary.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 200.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A report from the Chief of Engineers, together with a report and accompanying map from Lieut. Col. Peter C. Hains, Corps of Engineers, upon the practicability and probable cost of an avenue from Washington Monument to Soldiers' Home.

AUGUST 2, 1890.—Laid upon the table.

AUGUST 4, 1890.—Referred to the Committee on the District of Columbia and ordered to be printed, except the map.

WAR DEPARTMENT,
Washington, August 1, 1890.

SIR: I have the honor to transmit to the Senate a report from the Chief of Engineers dated the 30th ultimo, together with a report and accompanying map and tracing from Lieut. Col. Peter C. Hains, Corps of Engineers, upon the practicability and probable cost of an avenue from Washington Monument to Soldiers' Home, in response to Senate resolution dated July 18, 1890, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report upon the practicability and the probable cost of laying out and constructing an avenue for the accommodation, separately, of persons on foot, on horseback, and in carriages, along the Potomac River as far as Rock Creek, thence along Rock Creek, and as near to it as may be convenient, to the Columbian Park, and thence into the Soldiers' Home, connecting the reservation in front of Washington Monument, the Columbian Park, and the Soldiers' Home.

L. A. GRANT,
Acting Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., July 30, 1890.

SIR: In answer to the resolution of the Senate of July 18, 1890, calling for

report upon the practicability and the probable cost of laying out and constructing an avenue for the accommodation, separately, of persons on foot, on horseback, and in carriages, along the Potomac River as far as Rock Creek, thence along Rock Creek, and as near to it as may be convenient, to the Columbian Park, and thence into the Soldiers' Home, connecting the reservation in front of Washington Monument, the Columbian Park, and the Soldiers' Home.

I have the honor to transmit herewith a report by Lieut. Col. P. C. Hains, Corps of Engineers, upon an approximate location and design for the required avenue, with estimate for the same, omitting the cost of the site.

The cost of the road and footways as designed would be $1,122,000 if the carriageways are macadamized, and $1,422,000 if they should be asphalted.

Subsequent and more careful surveys might change the location of the avenue slightly, but taken as a whole, I concur in the recommendation and project of Colonel Hains.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Washington, D. C., July 28, 1890.

GENERAL: By Department letter of July 19, 1890, the following resolution of the Senate of the United States, dated July 18, 1890, was referred to me for report:

Resolved, That the Secretary of War be, and he is hereby, directed to report upon the practicability and the probable cost of laying out and constructing an avenue for the accommodation, separately, of persons on foot, on horseback, and in carriages, along the Potomac River as far as Rock Creek, thence along Rock Creek, and as near to it as may be convenient, to the Columbian Park, and thence into the Soldiers' Home, connecting the reservation in front of Washington Monument, the Columbian Park, and the Soldiers' Home.

The resolution calls for a report, first, on the practicability of construction, and, second, on the probable cost. As to the practicability, there is no question. It is perfectly practicable to construct an avenue such as the resolution refers to, and on the route prescribed.

As to the probable cost, it is necessary to state that the resolution of the Senate carries with it no appropriation of funds to defray the cost of a survey, and without one it is not practicable to locate the road with accuracy or to make a close estimate of the cost. I am familiar with the ground, however, and, through the kindness of the superintendent of the Coast and Geodetic Survey, I have had access to the maps of the District of Columbia, recently prepared in that office. The estimate submitted must be understood as a very approximate one. In order to prepare an estimate of any kind it was necessary to fix an approximate location, the maximum grade, and the width of roadway.

The resolution determines the route in general terms. It is to connect the reservation in front of the Washington Monument, the Columbian Park, and the Soldiers' Home. It is also to pass along the Potomac River as far as Rock Creek, thence along Rock Creek, and as near to it as convenient, to the Columbian Park, and thence to the Soldiers' Home. As the road, or avenue, will be for pleasure only, and not in any sense a traffic road, I have assumed a gradient of 4 feet in 100 as the maximum; and for the purposes of an estimate I have arranged for a total width of 110 feet, divided so as to give a road for horseback riding, with turf covering, 20 feet wide, two roads for carriages, 24 feet each, and two lines of parking. Within the limits of the latter, and in the shade of the trees that are supposed to be planted and growing, a brick walk, 8 feet wide, is provided for persons on foot. There will thus be 48 feet for carriages, 20 feet for persons on horseback, and 16 feet for persons on foot.

The point of starting is not definitely stated in the Senate resolution, but I assume that it is intended to start from some convenient point in

front of the Washington Monument. Such point may be taken at about 800 feet southward of the Monument, near the old shore-line of the Potomac River; thence across a part of the newly made ground, known as the Potomac Flats, to the north bank of the tidal reservoir; thence following the bank of said reservoir in a westerly direction to a point near the bank of the Potomac River; thence curving northerly, crossing the sewer canal on a bridge near its mouth; thence along or near the bank of the Potomac River to a point near where Twenty-fifth street extended southward and New York avenue extended westward intersect; thence along Twenty-fifth street to Virginia avenue; thence along Virginia avenue, westerly, to its intersection with Twenty-seventh street; thence following along, or near, the east bank of Rock Creek to near the point of crossing of Twenty-fourth street; thence across the creek to a point near the P street bridge; thence along the right bank of Rock Creek to Lyon's mill, crossing the creek at this point on a bridge, and thence following along the banks of the creek, sometimes on one side and sometimes on the other, to the crossing of the Klingle Ford road, which it is understood will be the south end of the proposed Columbian Park. From this point follow the left bank of Rock Creek to the mouth of Piney Branch; thence follow nearly the course of the latter stream to the crossing of the Fourteenth street road; thence on, or near, the line indicated, in an easterly direction to the main entrance of Soldiers' Home.

From the point of beginning to the intersection of Twenty-fifth street with New York avenue the construction is simple and easy and not expensive. Ultimately the Potomac Flats will no doubt be laid out as a park, and the road herein described, lying within its limits, would naturally form a part of the system of roads. But from this point it would not be judicious, in my opinion, to follow closely the shore line of the Potomac River, as that would interfere with business interests already established along the river front from Easby's Point to the mouth of Rock Creek, and would be of no commensurate advantage. I have accordingly laid out the line along Twenty-fifth street, which would have to be widened to its intersection with Virginia avenue. The latter is wide enough to its intersection with Twenty-seventh street. From this point the high ground should be followed without regard to streets.

It may be a question whether it would not be better to follow the line of Twenty-fifth street from the intersection with New York avenue, all the way to Lyon's mill. If the project to convert Rock Creek from Lyon's mill to Pennsylvania avenue into a large sewer be carried out and the valley of Rock Creek be filled, the line of Twenty-fifth street would seem to be the best. Below the crossing of P street bridge, which is only about 2,000 feet from Lyon's mill, Rock Creek is no better than an open sewer anyway, so that there is no particular advantage in following close to its banks until P street is crossed.

In laying out the line, which is done only approximately, no effort has been made to shorten distances, the idea being that as the road is designed for pleasure, beauty of landscape was more important. From the point where the road leaves the Potomac River to the crossing of the P street bridge the surroundings are neither pleasant nor beautiful, and they could be made so only at heavy expense to the Government, but beyond P street bridge the valleys of Rock Creek and Piney Branch are particularly noted for beauty of scenery.

The following is an approximate estimate of the cost of a roadway such as I have described, its total length being about 38,000 feet, or 7⅛ miles:

Estimate.

Grading and filling, 1,200,000 cubic yards, at 30 cents	$360,0
Protection of slopes	40,0
Bridges	150,0
152,000 linear feet curbing, at $1.50	228,0
202,000 square yards macadam and gravel roadway, at 75 cents	151,5
2,700,000 bricks in paving, at $15 per thousand	40,5
Soil, trees, etc., in parking	50,0
	1,020,0
Contingencies, 10 per cent	102,0
	1,122,0

No allowance has been made in the above estimate for acquisition o land. This would be a large item.

If the carriage roads be paved with asphalt, the cost would be in creased about $300,000.

I return herewith the Senate resolution and inclose a tracing of section of the proposed roadway* and a map of the District of Columbi with the route approximately indicated.

Very respectfully, your obedient servant,

PETER C. HAINS,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. Army, Washington, D. C.

* Omitted.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 201.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE

To the times of rendering accounts by disbursing officers of the Government.

AUGUST 4, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, August 2, 1890.

SIR: The Secretary of the Treasury, under date of May 27, 1890, issued a circular letter to the disbursing officers and others of the United States Government, requiring them to render, on and after July 1, 1890, monthly instead of quarterly accounts. This circular letter, copy inclosed, was issued in accordance with an opinion rendered by the Attorney-General of the United States, being his construction of section 3622, Revised Statutes.

From the date of the creation of this Department to the present time, I am informed that the accounts of the disbursing officer of the same have been rendered to and adjusted by the accounting officers of the Treasury quarterly. To change this system now would be to create a very large amount of additional labor in both Departments, presuming, of course, that when said accounts are so rendered they will receive a monthly adjustment, and such monthly settlements will necessarily require additional clerical assistance in both Departments.

The disbursing clerk of this Department now disburses annually a sum averaging $5,500,000, a sum greater, I believe, than any two disbursing officers of the Government combined. These disbursements are made under the several heads of appropriation, averaging quarterly one hundred in number, and to each of said accounts there is an average of one hundred vouchers. He has a force of employés in the several bureaus and offices of the Department to pay semi-monthly, numbering about thirty-five hundred. Independent of his duties as disbursing officer he is the financial officer of the Department, and keeps the ledgers of all the appropriations expended under the direction of the Secretary of the Interior, prepares all requisitions for funds payable from same, and compiles the annual estimates. In view of the facts herein stated, I have the honor to recommend that similar provision be made by Congress for the disbursing clerk of this Department as is contemplated in the sundry civil bill, page 120, section 4, now before Congress, wherein it provides that all officers of the Navy, in the Indian service, and the Secretary of the Senate, will be allowed to render their accounts quarterly as has always been the custom.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 202.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In answer to a resolution of the Senate of the 4th instant, a copy of a report concerning the accident to the lock at the Sault Ste. Marie.

AUGUST 5, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, August 5, 1890.

SIR: I have the honor to transmit, herewith, a report from the Chief of Engineers, dated the 4th instant, together with copies of all papers on file in his office concerning the accident to the lock at the Sault Ste. Marie, from which it appears that the axle of one of the emptying valves of the lock was broken on the 31st ultimo and the passage of vessels was suspended until the 4th instant, 8.30 a. m. This report and the accompanying papers are transmitted in response to Senate resolution of the 4th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate as soon as may be information respecting the recent accident to the lock at the Sault Ste. Marie, showing—

The nature and cause of such accident.

Its effect upon the passage of vessels through the lock.

The number (if any) of vessels waiting at or near the Sault the passage of which through the lock has been prevented by the accident thereto.

Within what time the accident to the lock can be repaired so that navigation through the same can be resumed.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., August 4, 1890.

SIR: I have the honor to acknowledge receipt of resolution of the 4th instant of the Senate of the United States, directing the Secretary of War to transmit to the Senate as soon as may be information respecting the recent accident to the lock at the Sault Ste. Marie, showing the nature and cause of such accident; its effect upon the passage of vessels through the lock, the number (if any) of vessels waiting at or near the Sault the passage of which through the lock has been prevented

by the accident thereto, and the time within which the accident to lock can be repaired so that navigation through the same can be sumed.

In reply to the reference of the resolution to this office, I submit accompanying copies of all the papers on file concerning the accid mentioned, from which it appears that the axle of one of the empty valves of the lock was broken on the 31st ultimo; cause not stat Drawings showing the location of this valve and its construction herewith.

The effect of this accident was to suspend the passage of vess through the lock temporarily. The necessary steps were immediat taken to pump out the lock and repair the broken valve. The pass of vessels was resumed at 8.30 this a. m.

A further report is required by the resolution of the number of v sels awaiting passage through the lock. This information has b called for from the officer in charge of the canal and will be submit as soon as received.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig-Gen., Chief of Engineer

Hon. REDFIELD PROCTOR,
Secretary of War.

TELEGRAM TO COLONEL POE.

WASHINGTON, D. C., *August* 2, 189

It is reported this morning that there is some trouble at the Sa that will delay passage for a few days. Please inform the Dep ment.

CASEY,
Chief of Engineer

Colonel POE,
Detroit, Mich.

TELEGRAM OF COLONEL POE.

DETROIT, MICH., *August* 2, 1890

Axis of north emptying valve broken. Telegram an hour ago repo repairs progressing favorably. Detention at least four days, and m be more.

POE,
Engineers

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

TELEGRAM TO COLONEL POE.

WASHINGTON, D. C., *August* 2, 1890

The Secretary of War wishes you to use every exertion to exped the work of repairs at the Sault lock, working night and day if pos ble.

CASEY,
Chief of Engineers

Colonel POE,
Detroit, Mich.

TELEGRAM OF COLONEL POE.

DETROIT, MICH., *August* 2, 1890.

I shall start for Sault at 6 p. m. No further news. Please issue order.

POE,
Engineers.

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

LETTER OF COLONEL POE.

UNITED STATES ENGINEER OFFICE,
Detroit Mich., August 2, 1890.

SIR: I am this moment in receipt of your telegram of this date inquiring about the trouble reported at St. Mary's Falls Canal, and have replied by wire as follows, viz:

Axis of north emptying valve broken; telegram an hour ago reports repairs progressing favorably. Detention at least four days, and may be more.

The accident occurred at 4 p. m. on Thursday, July 31. The valves are difficult of access, and four or five hours elapsed before a diver could reach this one and ascertain why it was that it could not be operated.

The result of the examination showed that the lock must be closed, pumped out, the valve taken out, repaired, and then replaced.

The trouble was reported to me late night before last, and early yesterday morning, although I knew that every exertion was being made, I sent the following telegram to Mr. Wheeler, assistant engineer, viz:

Exhaust every resource to re-open lock in shortest time. Keep me informed by telegraph. I want details as fast as you ascertain them.

My first impulse was to telegraph you, but I hesitated to alarm you, especially in our enforced ignorance as to the exact nature of the difficulty. An extra pump (steam), taken from the plant connected with excavating the new lock-pit, was moved into proper position to aid the pumping plant permanently established for emptying the lock, and will reduce the time of delay very materially.

It is expected that by noon to-day the lock-chamber will be emptied and the valve reached. We will then know just what must be done in the way of repairs.

I will keep you informed of the progress made with the work.

Very respectfully, your obedient servant,

O. M. POE,
Colonel, Corps of Engineers,
Bvt. Brig. Gen., U. S. A.

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

LETTER OF COL. O. M. POE.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., August 2, 1890.

SIR: I have the honor to inclose herewith a copy of the first report by mail of the accident at St. Mary's Falls Canal.

It has this moment been received.

I shall start this evening for Sault Ste. Marie.

Very respectfully, your obedient servant,

O. M. POE,
Colonel, Corps of Engineers,
Bvt. Brig. Gen., U. S. A.

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

LETTER OF LIEUT. H. F. HODGES.

UNITED STATES ENGINEER OFFICE,
Sault Ste. Marie, Mich., August 1, 1890.

SIR: I have the honor to report that at 4 p. m., yesterday, July 31, the nort emptying valve of the lock was found to be disabled. At the time the water was the lower level in the chamber. A diver was sent down immediately, and by his ex amination and a subsequent one made this morning, it was found that the sout trunnion or wrist of the valve was broken. Further damage to the engine may b feared but can not be ascertained as yet.

Preparations were begun as soon as possible to pump out the lock. The uppe guard-gates were closed without difficulty, but obstructions were found at the sill the lower guard gates, which had to be cleared by divers. This operation took a night, and was not finished until 6 a. m. to-day. About 6.30 a. m. pumping wa begun and is now in progress. A diver is at work taking out the grating to examin the valve engine.

There are a number of vessels waiting both above and below the lock. A tug wa sent to Bay Mills and Waiska Bay to warn vessels to come no further down. Th length of delay can not be accurately estimated as yet, but it is hoped that repai can be made by Monday morning.

Mr. Wheeler went to the Middle Neebish yesterday morning, and was not here the time of the accident. He was sent for early this morning and is expected soo

Very respectfully, your obedient servant,

H. F. HODGES,
First Lieutenant of Engineers.

COL. O. M. POE,
Corps of Engineers.

TELEGRAM OF COLONEL POE.

SAULT STE. MARIE, MICH., *August* 3, 1890.

Repairs proceeding with all possible dispatch day and night. Brea was a bad one, but everything now looks favorable. Very large fle waiting.

POE,
Engineers.

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

TELEGRAM OF COLONEL POE.

SAULT STE. MARIE, MICH., *August* 4, 1890.

Locking resumed 8.30 a. m. Great credit due Superintendent Marti Lynch.

POE,
Engineers.

Brig. Gen. THOS. L. CASEY,
Chief of Engineers, U. S. A.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 203.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In answer to a resolution of the Senate of July 26, 1890, a report as to the advisability of utilizing the Fishing Battery Light Station, on the Susquehanna River, as a station for propagating fish.

AUGUST 5, 1890.—Referred to the Committee on Fisheries and ordered to be printed.

WAR DEPARTMENT,
Washington, August 5, 1890.

SIR: I have the honor to transmit to the Senate a letter from the Chief of Engineers, dated the 2d instant, and its accompanying copies of letters of Col. William P. Craighill, Corps of Engineers, relative to utilizing the Fishing Battery Light Station, on the Susquehanna River, as a station for catching and propagating fish, in response to resolution of July 26, 1890, as follows:

Resolved, That the Secretary of War be directed to send to the Senate a copy of the report of Maj. G. J. Lydecker made to him concerning the fish hatchery at the mouth of the Susquehanna River.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., August 2, 1890.

SIR: I have the honor to acknowledge reference to this office of resolution of the 26th ultimo of the Senate of the United States directing the Secretary of War "to send to the Senate a copy of the report of Maj. G. J. Lydecker made to him concerning the fish hatchery at the mouth of the Susquehanna River," and, in returning the same, beg leave to say that no report by Major Lydecker on the subject in question has been made to this office.

As bearing on the subject, and possibly affording the informat desired, there are sent herewith copies of certain correspondence Col. Wm. P. Craighill (then major), Corps of Engineers, under dates December 27, 1879, and January 12 and 17, 1880, with the Assist Commissioner of Fisheries.

The resolution of the Senate is returned herewith.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers

Hon. REDFIELD PROCTOR,
Secretary of War.

LETTER OF MAJOR WILLIAM P. CRAIGHILL, CORPS OF ENGINEERS, BRIGADIER-GENERAL H. G. WRIGHT, CHIEF OF ENGINEERS.

UNITED STATES ENGINEERS,
Baltimore, Md., January 17, 1880

GENERAL: In connection with my report of this date relative to Susquehanna River, I forward copies of two letters of December 1879, and January 12, 1880, to Mr. T. B. Ferguson.

I will also state that the total of the estimate of $28,000 is made as follows:

Dredging a channel for navigable use to a depth of 12 feet at mean low water, between Havre de Grace and Spesutie Island	$12,
Dredging and other work for Fish Commission, at or near Battery Light	15,
Removal of cribs, etc., above Havre de Grace	1,

It is not supposed necessary or expedient for these details to go Congress. The estimates are full. That for the dredging is based up previous experience in that locality. The reasons for the total for fishery operations will appear from the copies of letters to Mr. Fer son.

Very respectfully, your obedient servant,

WM. P. CRAIGHILL,
Major of Engineers

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

LETTER OF MAJOR WILLIAM P. CRAIGHILL, CORPS OF ENGINEE TO MAJOR T. B. FERGUSON, ASSISTANT COMMISSIONER OF FI ERIES.

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., December 27, 1879

DEAR SIR: I can now give you some estimates (reliable, I think) the cost of carrying out some of your excellent schemes for utiliz the Fishing Battery light station on the Susquehanna as a station catching and propagating fish.

First. As to your plan of utilizing the inclosure now standing. dredge to 7 feet at low water a portion of the inclosure and fill in remainder, to dredge an outlet to the present channel, to enlarge pr ent entrance to inclosure and put in a suitable gate will cost $3,000.

Second. To remove existing wall and put up another, so as to utilize the space given by the whole of reservation, will cost $6,000 in addition, or $9,000 in all.

Should experience show the necessity of protecting the outlet to the channel from the ice and currents the cost would probably be about $5,000 more.

Respectfully and truly, yours,

WM. P. CRAIGHILL.

Maj. T. B. FERGUSON,
Assistant Commissioner of Fisheries, etc.

LETTER OF MAJOR WILLIAM P. CRAIGHILL, CORPS OF ENGINEERS, TO MAJOR T. B. FERGUSON, ASSISTANT COMMISSIONER OF FISHERIES.

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., January 12, 1880.

DEAR SIR: To extend the battery inclosure to limits of reservation, using a crib-wall, will cost $5,000, including cost of dredging, etc.

To use a pile-work inclosure of the same extent, which would probably be strong enough, would cost $4,000. I would much prefer the crib.

The cheapest plan for immediate results is to use the present inclosure, according to the first estimate of my letter of December 27.

Yours, truly,

WM. P. CRAIGHILL.

Maj. T. B. FERGUSON,
Assistant Commissioner of Fisheries, etc.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 204.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

COMMUNICATING,

In answer to a resolution of the 16th ultimo, information in relation to the loading, bonding, etc., of railroad cars in Canada for transit in bond to American ports.

AUG. 6, 1890.—Referred to the Committee on Interstate Commerce and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., August 5, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated the 16th ultimo, wherein I am directed to inform the Senate whether merchandise in bond, appraised or unappraised, and goods of domestic origin, are permitted to be forwarded between Atlantic and Pacific ports of the United States over the Canadian Pacific Railway, and whether said merchandise on arrival at Vancouver, British Columbia, is there transhipped to vessels or cars, as the case may be, and whether or not such transportation and transhipment on foreign territory is consistent with the safety of the revenue and the laws governing the coasting trade of the United States.

Also to report whether merchandise other than the products of contiguous countries is permitted to enter the United States under consular seal and proceed to destination without entry or examination at the port of first arrival.

Also, whether I have official knowledge that the Grand Trunk Railway has willfully or otherwise violated any of the revenue or coasting laws of the United States in carrying merchandise in bond between places in the United States. Also, whether the entering into the United States under consular seal and forwarding to destination without entry or examination at the port of first arrival of merchandise other than the products of contiguous countries is being done; and if so, whether it is permissible under our revenue laws.

Also, whether I have official knowledge of any complaints by any American producer, shipper, or consumer against the transportation in bond of any merchandise as hereinbefore set forth, and if so, that I report the same to the Senate. I have also received copy of a resolution of the Senate of the same date, in which I am instructed to report to the Senate whether, in my judgment, loading, bonding, sealing, and manifesting cars or vehicles in Canadian territory for transit through Canadian territory in bond to American ports can be done with safety to the

revenue and with a proper regard to American interests, capital, and labor, and with the proper enforcement of the interstate-commerce law upon all transportation alike, whether partly in transit through foreign territory or wholly within the United States, and where and to what extent such loading, bonding, sealing, and manifesting cars or vehicles in Canada is done and under what law or statute or treaty.

In reply I have to say that merchandise in bond, appraised and unappraised, and goods of domestic origin, are forwarded between the Atlantic and Pacific ports of the United States over the Canadian Pacific Railway under bonds of American common carriers, which provide for the transportation of merchandise to destination by connecting lines of railway and vessels. On arrival of such merchandise at Vancouver, British Columbia, transshipment is made under the supervision of an officer of the United States stationed at that point, who certifies the facts upon the manifests and seals the cars or compartments of vessels into which the goods are placed. The authority under which transportation of this character is permitted is found in section 3006, Revised Statutes, which provides as follows:

Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British Provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty or tax as if the transportation had taken place entirely within the limits of the United States.

As under the regulations of this Department only American vessels are allowed to be employed in transportation of the character referred to, I am of opinion that the laws governing the coasting trade of the United States are not violated thereby, and the chief danger to the interests of the revenue to be apprehended by reason of such transportation is the opportunity afforded for substitution of packages on foreign soil at some point on the long route traversed.

Section 3102, Revised Statutes, which is included in the chapter relating to commerce with contiguous countries, is as follows:

To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States, which officer shall seal or close the same accordingly, whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this title.

This section is in substance section 2 of the act of June 27, 1864, and has been held to confer authority on consular officers of the United States stationed in contiguous countries to seal cars containing merchandise of such contiguous countries to be imported into the United States, and to allow such cars, if on arrival at the frontier ports of entry the consular seals were found to be intact, to proceed to destination without entry and examination of their contents.

I am informed that since the completion of the Canadian Pacific Railway, goods arriving at Vancouver, British Columbia, from Asiatic

ports destined to the United States have been placed in the cars of that company, which were then sealed by the United States consul at that port, and forwarded to their destination in the United States.

I find that this practice has been acquiesced in by this Department in so far that the customs officials at the frontier ports of arrival have respected the consular seals and allowed the cars to go forward without entry and examination of their contents, if the seals were found intact.

I am of the opinion that it was the intent of the law to confine the privilege of the consular seal to cars containing merchandise of the contiguous country, and that such privilege does not extend to cars containing imported merchandise landed in the contiguous country for transit through it to the United States.

In this view of the law it is in contemplation to restrict the privilege to cars containing merchandise of the contiguous country.

I have no official knowledge that the Grand Trunk Railway Company has willfully or otherwise violated the revenue or coasting laws of the United States in transporting merchandise between places in the United States, nor of complaints made by any American producer, shipper, or consumer against the transportation in bond of such merchandise. I have, however, recently received a communication from gentlemen employed as counsel concerning a practice which appears to have obtained in the customs collection district of Huron, in the State of Michigan, in the matter of allowing cars to be loaded, sealed, and manifested at Port Sarnia, Ontario. I am advised that, by reason of the fact that suitable facilities were not available at Port Huron, Mich., for transacting the transportation business of the Grand Trunk Railway Company, which has a terminus at Port Sarnia, Ontario, authority was given some years ago for loading, sealing, and manifesting the cars at Port Sarnia, customs officials of the United States being assigned to the supervision of the business.

Authority for the practice appears to be given by the regulations of March 30, 1875, governing the transportation of merchandise to, from, and through the British Possessions and North America under the laws and treaty of Washington as existing at that time. Whether the abrogation of certain articles of the treaty requires a change in the regulations is a subject which is now receiving the attention of the Department. I am not prepared to state that the practice referred to operates to prevent the proper enforcement of the interstate-commerce law, or that the safety of the revenue is jeopardized thereby.

Respectfully, yours,

WILLIAM WINDOM,
Secretary.

Hon. LEVI P. MORTON,
President of the United States Senate.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 205.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the governor of the Territory of Oklahoma, urging relief for settlers in that Territory on account of drought.

AUGUST 8, 1890.—Read, referred to the Committee on Appropriations, and ordered to be printed.

To the Senate and House of Representatives:

I have received, under date of July 29th ultimo, a communication from the Honorable George W. Steele, governor of the Territory of Oklahoma, in which, among other things, he says:

A delegation from Township 16, Range 1, in this county, has just left me, who come to represent that there are at this time 28 families in that township who are in actual need of the necessaries of life, and they give it as their opinion that their township is not an exception, and that in the very near future a large proportion of the settlers of this Territory will have to have assistance. This I have looked for, but have hoped to bridge over until after the legislature meets, when I thought some arrangement might be made for taking care of these needy people; but with little taxable property in the Territory, and very many necessary demands to be made and met, I doubt if the legislature will be able to make such provision until a crop is raised next year as will be adequate to the demands. * * *

Now, I know whereof I speak, and I say there are a great many people in this Territory who have not the necessary means of providing meals for a day to come and are being helped by their very poor neighbors. No one regrets more than I do the necessity of making the foregoing statement, and I have hoped to bridge the matter over, as I have said before, until the legislature would meet, and see if some provision could be made. I now see the utter hopelessness of such a course, and I beg of you to call the attention of Congress to the condition of our people, with the earnest hope that provision may be made whereby great suffering may be relieved; and I assure you that so far as I am able to prevent it, not one ounce of provision, or a cent of money contributed to the above need shall be improperly used.

Information received by me from other sources leads me to believe that Governor Steele is altogether right in his impression that there will be, unless relief is afforded either by public appropriation or by organized individual effort, wide-spread suffering among the settlers in Oklahoma. Many of these people expended in travel and in providing shelter for their families all of their accumulated means. The crop prospects for this year are, by reason of drought, quite unfavorable, and the ability of the Territory itself to provide relief must be inadequate during this year.

I am advised that there is an unexpended balance of about forty-five thousand dollars of the fund appropriated for the relief of the sufferers by flood upon the Mississippi River and its tributaries, and I recom-

mend that authority be given to use this fund to meet the most urgent necessities of the poorer people in Oklahoma. Steps have been taken to ascertain more particularly the condition of the people throughout the Territory, and if a larger relief should seem to be necessary the facts will be submitted to Congress. If the fund to which I have referred should be made available for relief in Oklahoma, care will be taken that so much of it as is necessary to be expended shall be judiciously applied to the most worthy and necessitous cases.

BENJ. HARRISON.

EXECUTIVE MANSION,
August 8, 1890.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 206.

LETTER

FROM

THE ATTORNEY-GENERAL,

TRANSMITTING,

In answer to a resolution of the 1st instant, a list of unappealed awards and judgments for flowage damages caused by the improvement of the Fox and Wisconsin Rivers.

AUGUST 11, 1890.—Referred to the Committee on Appropriations, and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 8, 1890.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of the 1st inst., directing the Attorney-General "to furnish the Senate a statement of the awards and judgments rendered by the commissioners or courts on file in his office against the United States arising under an act of Congress entitled, "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin", approved March 3d, 1875, from which awards or judgments no appeal has been taken, and the time for such appeal having expired, which has not been heretofore reported to Congress, and if he knows of any reason why the same should not be paid," and to submit, in reply thereto, the accompanying list of unappealed awards and judgments for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, under the act of Congress approved March 3, 1875, and acts supplemental thereto, which said awards and judgments have not been paid, nor provided for under former appropriations.

This list is complete to the 1st of March, 1890, and there is on file in the Department of Justice a certified copy of each of the said awards and judgments. The list is prepared from the report of March 29, 1890, made by Mr. E. E. Chapin, Special Assistant United States Attorney in charge of these cases. The awards and judgments mentioned in this list have not been paid nor satisfied, and I know of no reason why the same should not be paid.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

The PRESIDENT OF THE SENATE.

List of unappealed awards and judgments in Fox and Wisconsin River overflow cases

Claimants.	Award.	Filed.
Emeline A. Cross	$400.00	Aug. 23, 1888
E. R. Martin	740.00	Do.
Henry Murphy	650.00	Do.
Ezekel Lindsay	300.00	Do.
Jerome I. Case	527.50	Do.
Charles F. Apley	87.50	Do.
William Larsen	75.00	Do.
Edward Huebner	100.00	Aug. 24, 1888
Albert Moews	75.00	Do.
Edward Groshkrentz	100.00	Do.
Fred. Hakbarth	75.00	Do.
William Schild	75.00	Do.
Ferd. Kletzki	100.00	Do.
August Schoenke	100.00	Do.
John J. Lick	75.00	Do.
Henrietta Brueschmeister	100.00	Do.
Charles Boelter	100.00	Do.
A. B. Larabee	237.50	Do.
B. F. Nicholson	399.50	Do.
Thomas Lowther	150.00	Do.
O. E. Loper	450.00	Do.
Patrick Morrow	625.00	Do.
Wallace Baldry	200.00	Do.
W. H. Turner	150.00	Do.
John Bradley	100.00	Do.
Albert Bennett and Charles Bennett	100.00	Do.
Isaac Bradley	100.00	Do.
Patrick Dunn	100.00	Do.
Lorenz Jarosz and Mary Jarosz	700.00	Do.
Amabel LaFever	330.00	Do.
John Lanning	85.00	Do.
William Lanning	109.00	Do.
Tilden C. Cook	115.00	Do.
David Dwyer	275.00	Do.
Samuel B. King	437.50	Do.
Charles O. King	250.00	Do.
Enoch Hammond	720.00	Aug. 29, 1888
Andrew Wilson	350.00	Do.
J. H. Porter	250.00	Do.
John McNerney, Delia McNerney, Mary McNerney, William McNerney, Ella McNerney, Thomas McNerney, Maggie McNerney, Katie McNerney, and George McNerney	502.50	Do.
John K. Smith	425.00	Do.
Henry F. Young	277.50	Aug. 30, 1888
Thomas Lawler	485.00	Do.
Tragaat Bornschein	300.00	Do.
W. O. Giddings	500.00	Do.
Joseph Koplitz	425.00	Aug. 31, 1888
R. C. Richardson	412.50	Do.
Charity M. Richardson	225.00	Do.
John J. Knopke	660.00	Do.
Herman Lendz	675.00	Do.
Frederick Krenz	750.00	Sept. 1, 1888
G. F. Dilling	100.00	Do.
William Lowther	200.00	Do.
H. W. Hyde	250.00	Do.
Griffith Thomas	200.00	Do.
Andrew Halkney	112.50	Do.
L. C. Booth	500.00	Do.
George Booth	700.00	Do.
Cordelia Winchester	285.00	Sept. 4, 1888
David Weatherby	300.00	Sept. 6, 1888
Elizabeth Neis, John B. Neis, Catharine Neis, Josephine Nicholai, Josephine Neis and John Neis, heirs of Matthew Neis, dec'd; widow and only heirs at law of John B. Neis, deceased	150.00	Do.
H. B. Jackson	400.00	Do.

Claimants.	Award.	Filed.
Amos Benedict	$1,200.00	Sept. 17, 1
E. P. Sawyer and J. H. Kiel, executors of the estate of Julius Kiel, deceased	310.00	Do.
Fred Bogk	835.00	Sept. 18, 1
Oshkosh Packing and Provision Company and Gustave Baumann	333.33	Do.
Patrick McGivern	116.66	Sept. 24, 1
Lurancy Morgan, Lotta L. Morgan, and Lulte L. Morgan	1,300.00	Do.
F. W. Place	933.50	Sept. 25, 1
John Abraham	300.00	Do.
H. G. Pommering	287.50	Do.
Hannah Goodall, George Getchell, and Henry Getchell, widow and sole heirs at law of Samuel Getchell, deceased	175.00	Do.
John Pethan	613.33	Do.
Emelia Rades, Otto Rades, Herman Rades, Mary Rades, and Elizabeth Rades, widow and heirs at law of Herman Rades, deceased	300.00	Do.
Werner Disch	275.00	Do.
John Laude	1,412.50	Do.
Edward O'Bierne	325.00	Sept. 27, 18
Lemuel McLaren	225.00	Do.
Peter Tennesen	50.00	Oct. 3, 18
Harriet Sanderson	175.00	Do.
Laura Sanderson	300.00	Do.
Cynthia Peterson	232.90	Do.
David Sanderson	200.00	Do.
August Ollhoff	284.00	Nov. 2, 18
Anna S. Funke	284.00	Do.
Reeder Smith and M. A. Searles	568.00	Do.
L. D. Harmon	568.00	Do.
Hans P. Asmus	248.50	Do.
Leo Haben, a minor Andrew Haben, his guardian ad litem	300.00	Nov. 19, 18
L. M. Miller and Gottlieb Doehman	850.00	Nov. 12, 18
William Malchow	326.60	Do.
G. P. Vining	447.79	Do.
Catharine Lachmann, as administratrix of the estate of Jacob Lachmann deceased	848.00	Do.
A. C. Briggs	200.00	Do.
Fred Kruger	544.00	Do.
David Wells	685.00	Do.
Neenah Schutzen, Unterstentzun: Bund	108.00	Do.
Jerome Bailey	300.00	Do.
Henry Wildfang	532.00	Do.
Ella Getchius	228.75	Do.
William Doyle	104.00	Nov. 19, 18
M. A. Searles	250.00	Nov. 20, 18
Charles Nelson	335.00	Nov. 21, 18
Alexander Bailey	100.00	Nov. 24, 18
H. G. H. Reed	675.00	Dec. 4, 18
Benjamin F. Hall	230.00	Do.
Sarah A. Pride and Charles A. Pride	450.00	Dec. 5, 18
Louisa Plummer	500.00	Do.
Charles Bogk	412.50	Do.
H. L. Stipp	225.00	Do.
R. C. Richardson and E. C. Mills	384.00	Do.
Louis B. Porlier	250.00	Do.
Mary J. Overton	208.33	Do.
Evan Owens	50.00	Do.
Fred Lightfoot, jr	450.00	Do.

List of unappealed awards and judgments in Fox and Wisconsin river overflow cases—Continued.

Claimants.	Award.	Filed.
Frank Larsen and Louis Larsen	$300.00	Dec. 5, 1888
Onan Larsen	300.00	Do.
Albert Eisenach	300.00	Dec. 10, 1888
Samuel Liski	50.00	Dec. 11, 1888
W. H. Williams	538.00	Dec. 12, 1888
Otto F. Jorgensen	150.00	Do.
Mary A. Pierson	175.00	Do.
Perry H. Smith and E. F. Smith, executors, and Emma A Smith, executrix of the last will and testament of Perry H. Smith, sr., deceased	300.00	Do.
Abel Keyes	200.00	Do.
Gilbert C. Jones	225.00	Do.
David Rohrer and Daniel Rohrer	350.00	Do.
Patrick Coyle	250.00	Do.
H. A. Burts and James Scott	350.00	Do.
Mary Hine	292.50	Do.
S. C. Pinkerton	191.66	Do.
John Kettel	150.00	Do.
Bernard G. Matthewson	743.75	Do.
F. K Ingalls	490.00	Do.
A. D. Page and F. A. Page	262.50	Do.
Susan Steiner	100.00	Dec. 19, 1888
Joseph Bart	100.00	Do.
N. Jensen	300.00	Dec. 20, 1888
J. C. La Grange	200.00	Do.
Jane A. Wheeler	200.00	Do.
Edward Ehlert	160.00	Do.
Adolph Lachmann	100.00	Do.
Francis La Grange	150.00	Do.
Edward Ehlert and Louis Hanke	237.50	Do.
Hannah E. Parks	364.17	Do.
J. Elliot	225.00	Do.
B. F. Rogers	210.00	Do.
Frank Walker, administrator of the estate of Phil. Bleyholder, deceased	350.00	Do.
E. A. Berkley	300.00	Do.
Fred Helbach	50.00	Do.
James Galligan	125.00	Do.
Joseph Arnold	150.00	Dec. 21, 1886
Andreas Budzis	150.00	Do.
Joseph Bolda	100.00	Do.
Frank Socher	100.00	Do.
August Tinne	250.00	Do.
August Schoen	100.00	Do.
August Horn	200.00	Do.
Alexander Golla	100.00	Do.
August Horn, Theo. C. R. Schwaln, and August Horn, comprising the firm of Horn & Schwaln	500.00	Do.
Ernst Witzel	350.00	Do.
Samson Challoner	300.00	Do.
Mary McGuire	300.00	Do.
Edna G. Babcock	200.00	Do.
Charles Nickel	130.00	Do.
Fred Lange	600.00	Do.
G. K. Manser	300.00	Do.
Herman Krause	350.00	Do.
Rasmus Klausen	150.00	Do.
J. M. White	300.00	Do.
Rosina Babbatz, substituted for Daniel Babbatz	400.00	Do.
M. W. Bowen	200.00	Do.
Adolph Wahle	262.50	Do.
A. K. Brush	675.00	Do.
Anton O'Kreng	$400.00	Dec. 21, 1888
Henry Johnson	150.00	Do.
Nancy Melcher	475.00	Do.
William Lane	300.00	Do.
Perlina Fletcher	250.00	Do.
W. H. Sawtell	600.00	Do.
Thomas Dunn	200.00	Dec. 31, 1888
Marcellus Kettel	50.00	Dec. 29, 1888
Walter C. Rich	200.00	Do.
Robert McMillen	400.00	Do.
L. G. Crawford	300.00	Do.
J. T. Robinson	100.00	Do.
Clans Rasmussen	150.00	Jan. 2, 1889
O. Morley	1,080.00	Jan. 4, 1889
Elizabeth Bowers	475.00	Jan. 4, 1889
S. W. Hollister, R. McMillen, C. W. Davis, John Stanhilber, and Frank Amos	500.00	Do.
Gottfried Weidemann	50.00	Do.
H. W. Leach	200.00	Do.
Andrew Thompson and C. A. Thompson	700.00	Jan. 11, 1889
Mary A. Green, Mary Green, and D. M. Green	1,000.00	Aug. 28, 1888
Robert Page, or Wm. Gaylord, guardian of Anna Gaylord, Lawrence Gaylor, and Spencer M., Gaylord, minors and heirs at law of Catharine Gaylord, deceased	163.54	Oct. 18, 1877
Aden Durkee	300.00	Dec. 20, 1888
Charles Abner	100.00	Do.
Albert Schmidt	500.00	Do.
Amelia Schultz, substituted for Bernard Schultz	40.00	Nov. 11, 1889
John Rotchford	25.00	Do.
Ole Thompson	40.00	Do.
Michael Campion	50.00	Do.
John Barrett	70.00	Do.
Orsen Wells	70.00	Do.
John O'Donnell	70.00	Do.
C. F. Roskie	150.00	Do.
Barney Wells	50.00	Do.
Thomas O'Conner and Mary O'Conner	80.00	Do.
Fred W. Briese	150.00	Do.
Fannie Moss	150.00	Do.
Mark Derham	40.00	Dec. 11, 1889
Ludwig Sell	20.00	Do.
Timothy Callahan	40.00	Do.
Thomas Burns	35.00	Do.
Patrick Vaughn	86.00	Do.
Michael Vaughn and Patrick Vaughn	25.00	Do.
Gottleib Bornick	15.00	Do.
Ludwig Mittlestaedt	22.00	Do.
Christoph Puffol	22.00	Do.
Gustine Leek	35.00	Do.
Justine Tonn, administrator of the estate of Gottlieb Tonn, deceased	40.00	Nov. 11, 1889
John Wegner	25.00	Dec. 11, 1889
Gustave Stelter	25.00	Do.
Gottlieb Schulz	20.00	Nov. 1, 1889
Edward Lehman	25.00	Dec. 11, 1889
Carl Kunert	25.00	Do.
Frederick Menge	25.00	Do.
William Weckworth	35.00	Do.
Daniel Pischke and Mary Pischke	54.00	Dec. 31, 1889
* George Galloway	338.48	Oct. 18, 1877
* William B. Taylor	75.00	Aug. 7, 1876

* In these cases appeals were taken, but on the 9th of January, 1893, by stipulation and order of court, the appeals were dismissed, and the awards as above stated to stand as if no appeals had been taken; but without costs to either party.

List of unappealed awards and judgments in Fox and Wisconsin river overflow cases—Continued.

Claimants.	Award.	Filed.	Claimants.	Award.	Filed.
John Marquatt	$50.00	July 13, 1889	Cook Brown Lime Company	$680.00	Sept. 7, 188
Edward Kelm	75.00	Do.	James Shea	400.00	June 8, 188
Michael Delaney and Daniel Delaney	50.00	July 12, 1889	Sebastian Sturm	550.00	July 25, 188
Herman Oelke	75.00	July 13, 1889	Nick Prickler	200.00	Do.
Gottleib Theil and Bertha Theil		Do.	August Dorn	300.00	Sept. 14, 188
John Dundie	65.00	Do.	John Mueller	65.00	Sept. 7, 188
Carl Schmidt	65.00	Do.	Carl Dorn	85.00	Sept. 14, 188
Gottleib Dundie	50.00	Do.	Maggie Dorn	85.00	Do.
Louise Glenz	150.00	Do.	Henry Sherer	75.00	Sept. 7, 188
William Swanke	100.00	Do.	Tiney A. Rees	150.00	June 8, 188
John Scwark	40.00	Do.	Margaret Huelsback, administratrix of the estate of Herbert Huelsback, deceased	100.00	Do.
Frederick Wegner	75.00	Do.	S. S. Childs	250.00	Do.
Augustus Redman	75.00	Do.	De Forest Powers	200.00	Do.
Andrew Ronke	37.50	Do.	William Kloefel	96.00	Do.
J. C. Garlow	60.00	Do.	H. Schauman	175.00	Do.
David Wilde	78.50	Do.	Peter Bach	36.00	Do.
Josheph Mlodzek	20.00	Do.	Peter Keupper	400.00	July 25, 188
Joseph Nawatzke and John Nawatzke	40.00	Do.	Fred Lindloff	100.00	June 8, 188
Joseph Paulus	100.00	July 12, 1889	Peter Laux	68.00	Do.
Frederick Dundie	100.00	July 13, 1889	William Kuepper	68.75	July 25, 188
John Zabel	55.00	Do.	R. Sommerhalter	150.00	Do.
Gottleib Stukoske	25.00	Do.	Charles F. Meyer	275.00	Do.
Julius Walner	20.00	Do.	Frank Triedel	200.00	Do.
Henry Freitag	20.00	Do.	Joseph Marx	150.00	June 8, 188
Carl Otto	40.00	Do.	Wendel Lamel	175.00	Do.
Julius Bruesch	65.00	Do.	John Scherer	75.00	Sept. 14, 188
Gottleib Leudtke	25.00	Do.	Maria S. Shaw	67.00	Do.
M. J. Byington	100.00	Do.	George Baldwin	120.00	Do.
Elisha Card	100.00	Do.	Joseph Shaffer	120.00	Do.
C. A. Mather, H. G. Childs, and E. M. Wadsworth	475.00	July 16, 1889	Henry Dressen	100.00	Do.
Ellen Tyson	50.00	Do.	John L. Drake	250.00	Do.
Henry B. Basing	50.00	Do.	Phineas A. Drake	200.00	Do.
Amos C. Brown and Lucy T. Brown	50.00	Do.	John Denney	120.00	Do.
Judith Shepherd	35.00	Do.	John Keliher	125.00	Do.
Michael Lang	100.00	Do.	Martin Wanner	225.00	Sept. 7, 1889
Henry Floyd, Sarah Thwaites, and Martha Osborn	285.00	Do.	Fred Schluchter	125.00	Do.
August Gehrke	50.00	Do.	Christian Laveknecht	175.00	Do.
Daniel Pischke	90.00	Dec. 31, 1889	John C. Heller	150.00	Do.
*John Hensley, Fred Radtkie, and Martin Radtkie	200.00	Sept. 22, 1885	John B. Nugent	310.00	Do.
†Caroline M. Fuller	35.00	Sept. 24, 1885	Lucius Hawley	175.00	Do.
‡Mrs. T. W. Marsh, (should be Mrs. T. M. Marsh)	140.00	Oct. 14, 1882	George A. Johnson	100.00	Do.
Mary M. Angle	100.00	July 16, 1889	Gottleib Hostettler	175.00	Do.
§Wesly Horton	300.00	Oct. 14, 1882	Lucretia Smith	150.00	Sept. 7, 188
‖Cornelius Spoor	400.00	Do.	L. B. Reed	137.00	Nov. 23, 188
¶F. Chamberlain	75.00	Do.	Charles L. Bloom	250.00	Do.
Josiah Plummer and L. S. Mayo	495.00	June 8, 1889	Albert North	250.00	Do.
			Ebenezer Wing	62.50	Do.
			Jane H. Scott	175.00	Do.
			Benjamin Welch	125.00	Do.
			Josiah Prosser	225.00	Do.
			**Francis White	150.00	Do.
			B. R. Bourne, substituted for Mary Bourne as administratrix.	125.00	Dec. 19, 188
			John McKinney	115.00	Do.

* In the case of Hensley, *et al.*, the award was for $300, but by some error only $100 and $8.54 interest thereon was paid the claimants under the appropriation of August 4, 1886. The balance, $200, should be allowed the claimants.

† In the case of Caroline M. Fuller the award was for $100, but by some error only $65 and $5.51 interest thereon was paid her under the appropriation of August 4, 1886. The balance of $35 should be allowed her.

‡ In the case of Mrs. T. M. Marsh the award was for $215, but by error it was reported at $75 and $21.85 interest thereon was paid her under the appropriation of August 4, 1886. The balance of $140 should be allowed her in the next appropriation.

§ The case of Wesly Horton was appealed by the United States, October –, 1882. March 28, 1884 appeal was dismissed by order of court, with $28.10 costs against the United States; which, with $5.3 interest, was paid by the appropriations of August 4, 1886. The award of $300 remains unpaid.

‖ In the case of Cornelius Spoor an appeal was taken at the same time as that of Wesly Horton; and was dismissed by order of court with $30.12 costs against the United States, which, with $5.68 interest was paid under the appropriation of August 4, 1886. The award of $400 remains unpaid.

¶ In the case of F. Chamberlain, the award is in two parts; on one tract $15; and on the other tract $75. By error somewhere only $15 and the interest, $4.37, thereon was paid under the appropriation of August 4, 1886, leaving the $75 unpaid.

** The case of Francis White includes a claim of Almeda Moon, who died before an award was made on her land, leaving Francis White sole heir of the estate of Almeda Moon, and the claims were merged in one.

List of unappealed awards and judgments in Fox and Wisconsin river overflow cases—Continued.

Claimants.	Award.	Filed.
Martha Owens	250.00	Dec. 19, 1889
Chauncey Davis	115.00	Do.
George Phillips	600.00	Do.
George Phillips and Franklin Phillips.	250.00	Do.
Gilbert Waffle	75.00	Do.
James M. Kelliher	225.00	Do.
George Heller	650.00	Dec. 30, 1889
Charles Steeman	50.00	Do.
Nicholas Marx	200.00	Do.
Thomas Hayes	50.00	Sept. 28, 1889
J. W. Watson, special administrator of the estate of A. Dufour, deceased	100.00	Do.
Eugene Pingair	150.00	Do.
Lesame Ribdieu	100.00	Do.
J. W. Watson, special administrator of the estate of Wm. Dougherty, deceased	100.00	Do.
Ovide Senecal	50.00	Do.
Nicholas Lamouche	125.00	Do.
Melbert Dumas	30.00	Do.
E. L. Bartlett	40.00	Do.
Moses Bastian	100.00	Do.
Joseph Duquatt	90.00	Do.
J. W. Watson, special administrator of the estate of N. Jarvis, deceased	50.00	Do.
Louis Clish	120.00	Do.
Cyril Corbeille	100.00	Do.
* H. T. Whinfield, as executor of the estate of J. W. Whinfield, deceased	300.00	Do.
Mary J. Ridgeway	80.00	Do.
Alfred Robbins	150.00	Do.
Benjamin Nightingale	500.00	Do.
Leon Martin	80.00	Do.
J. H. Alexander	30.00	Sept. 28, 1889
T. T. Corbeille	50.00	Do.
Euclid Veune	50.00	Do.
Jacob Muth	50.00	Do.
James Tierney	50.00	Do.
Bertha Jacobi	30.00	Do.
Chas. F. Pasco	40.00	Do.
Osmond Pasco	125.00	Do.
Martha D. Pasko	50.00	Do.
Michael Gil	100.00	Oct. 21, 1889
Mary O'Connor	120.00	Do.
Luke Brunet	50.00	Do.
William Evans	120.00	Do.
W. S. Russell	75.00	Do.
Peter Weinreis	100.00	Oct. 18, 1889
Mathias Gulig	100.00	Do.
Carl Bergen	150.00	Do.
Frank McDermott	50.00	Sept. 28, 1889
James Flynn	50.00	Do.
Mary Estabrook	150.00	Sept. 5, 1889
Sarah S. Davis	100.00	Do.
Samuel Sales	60.00	Do.
J. W. Bessey	360.00	Nov. 1, 1889
Catharine Coffeen	150.00	Nov. 15, 1889
Lussetta Schussman	60.00	Nov. 1, 1889
Horace Shaver	150.00	Nov. 19, 1889
Jemima Lucas	70.00	Nov. 15, 1889
August Gensmer	250.00	Nov. 1, 1889
Samuel Hounsel	150.00	Nov. 1, 1889
Christ. Schafer	260.00	Sept. 28, 1889
Octavus Robarge	100.00	Do.
Gideon Brunet	100.00	Do.
Patrick Corcoran	30.00	Do.
Legoire Roy	65.00	Nov. 15, 1889
Joseph Touchette	65.00	Do.
Peter Kersten and Fred Kersten.	200.00	Nov. 27, 1889
Carl Bock	50.00	Oct. 18, 1889
Eliza Brockway	400.00	Nov. 1, 1889
Joseph Lafine	260.00	Do.
Theo. Wonberger	600.00	Do.
Henry Bergen	50.00	Do.
F. A. Raether	60.00	Do.
Louis Malzahan	70.00	Nov. 14, 1889
Joseph Wickert	40.00	Do.
Amelia Sassen	40.00	Do.
Henry Moersch	200.00	Nov. 19, 1889
Hugh Thornton	40.00	Nov. 14, 1889
Anthony Demarra	100.00	Do.
Louis Beyer	200.00	Nov. 15, 1889
Michael Berg	200.00	Do.
Hannah W. Hoaglind	100.00	Dec. 26, 1889
Martin Siefert	100.00	Do.
J. L. Mosher	50.00	Do.
Nicholas Weiler	90.00	Do.
Thomas Bigford	50.00	Do.
Joseph Perizzo, assignee of Desire Secor	100.00	Do.
Chas. A. Koeffler	300.00	Do.
C. A. F. Gable	100.00	Do.
John McCormick	50.00	Do.
Mathias Kramer	275.00	Do.
Michael Maroga	125.00	Do.
Catharine Preuss	135.00	Do.
Joseph Kramer	200.00	Do.
N. B. Auge	75.00	Do.
Frank Bellmer	300.00	Do.
John Ehlen	100.00	Do.
A. Prefountain	100.00	Do.
John E. Gould	200.00	Do.
A. K. Hamilton	6,237.25	Dec. 31, 1889
Alex. McDonald	1,236.50	Do.
M. H. Dusenberry	350.00	Do.
Valentine Mengel	175.00	Do.
Jacob Arimond, substituted for Nicholas Davis	75.00	Do.
†W. E. Cole, substituted for P. F. Folkers	325.00	Do.
‡Quirin Lochr	200.00	Oct. 18, 1889
John Landolph and Jacob Landolph	250.00	Do.
§Josiah Plummer	400.00	Oct. 10, 1889
E. Hamilton	275.00	Feb. 9, 1889
Louis Lehman	500.00	Do.
George Stein	150.00	Dec. 18, 1889
August Striech and Charles Striech	250.00	Do.
Elbridge Smith	325.00	Do.
L. B. Reed	400.00	Do.
Louis Debasker	500.00	Dec. 21, 1889
Joseph Gambske	500.00	Do.
Aug. Michewskie	300.00	Do.
Jacob Faas	150.00	Do.
John Foth	250.00	Do.
S. Oderman	200.00	Do.
J. H. Demarest	75.00	Do.

* In the case of H. T. Whinfield, as executor, etc., No. 166, the petition only of John W. Whinfield was on file in the clerk's office. The case was revived in the name of H. T. Whinfield, as executor, etc., resulting in the award as above stated.

† In the case of W. E. Cole, substituted for P. F. Folkers, No. 234, no award could be found on file or of record in favor of P. F. Folkers in the office of clerk of court, but his petition was filed November 5, 1875. The case was revived in the name of W. E. Cole, as above stated.

‡ In the case of Quirin Lochr, No. 235, and John Landolph et al., No. 236, appeals were filed by plaintiffs November 14, 1889, but were dismissed by order of court January 29, 1890. Awards to stand as if no appeal had been taken, but without costs to either party.

§ In the case of Josiah Plummer, No. 237, petition was filed April 28, 1876. There is no record of any award being filed *prior to* the one noted above.

List of unappealed awards and judgments in Fox and Wisconsin river overflow cases Continued.

Claimants.	Award.	Filed.	Claimants.	Award.	Filed.
Eber Groat	$150.00	Dec. 21, 1889	Darwin E. Gillman and Chester Gillman*	$900.00	Sept. 5, 18
Patrick Highland	250.00	Do.	J. L. Fiske	200.00	Dec. 29, 18
Alvin S. Trow	50.00	Sept. 18, 1889	Peter Fischer	225.00	Sept. 27, 18
G. W. Rounds	501.66	Sept. 17, 1889	A Lindenstrueth and P. Lindenstrueth	575.00	Do.
Elihu R. Rounds	200.00	Sept. 1, 1889	George Zemlock	921.82	Feb. 8, 18
H. G. Powers	200.00	Sept. 6, 1886			
Sarah Owens	375.00	Aug. 29, 1888			
Juliette Martin	600.00	Sept. 5, 1888			
Cornelius Murphy	375.00	Aug. 29, 1888	Total awards	111,409.77	

* The cases from G. W. Rounds to A. Lindenstrueth *et al.*, both inclusive, were appealed by t United States, as they were Fox River lands (so called), to abide the decision of the Supreme Cour which decision was subsequently affirmed. The award not being excessive in these cases, the appe were dismissed upon stipulation and order of court, and the awards and judgment above stated stand as if no appeals had been taken, but without further costs to either party.

Judgments.

Name.	Petition filed.	Claimed.	Award.		
			Character.	Amt.	Date.
Joshua Kurtz	Sept. 6, 1886	$935			June 30, 18
			Damages	$484.60	
			Costs	177.53	June 30, 18
John Hunt	Sept. 6, 1886	1,738			June 30, 18
			Damages	329.30	June 26, 18
			Costs	126.62	June 26, 18
Alex. B. Forrest	Aug. 20, 1886	650			June 30, 18
			Damages	590.99	
			Costs	153.96	June 26, 18
William H. Hesse, Otto Hesse, Emma Zurmidden, and Alfred Hesse by his guardian ad litem Anna Hesse, and Anna Hesse, heirs at law and widow of William Hesse, deceased.	Sept. 6, 1886	1,100			June 30, 18
			Damages	885.36	
			Costs	120.92	June 26, 18
J. H. Dennhardt	Aug. 20, 1886	1,000			June 30, 18
			Damages	356.10	
			Costs	171.33	Sept. 28, 18
Evan W. Jones	Aug. 20, 1886	730			June 30, 18
			Damages	595.20	
			Costs	163.90	Sept. 28, 18
William Thomas	Aug. 20, 1886	500			June 30, 18
			Damages	266.35	
			Costs	131.60	Sept. 28, 18
Charles Breening	Aug. 25, 1886	350			June 30, 18
			Damages	375.84	
			Costs	117.13	Sept. 28, 18
William Simmons as administrator of the estate of Margaret Rasmussen, deceased.	June 19, 1875	3,000		1,040.00	Dec. 28, 187
			Judgment for face of award without costs.		May 7, 188
George Arhilger	Jan. 6, 1876	4,500		851.20	Oct. 19, 187
			Judgment for face of award without costs.		Nov. 17, 188
Antoinette S. Geisse, executrix of the estate of Herman Geisse, deceased.	Apr. 28, 1875	5,000		2,055.00	Oct. 25, 187
			Judgment for face of award without costs.		Feb. 5, 188
Total judgments				8,992.93	
Total awards and judgments				120,402.70	

51st Congress, 1st Session. | SENATE. | Ex. Doc. 206, Part 2.

LETTER

FROM

THE ATTORNEY-GENERAL,

TRANSMITTING,

In further answer to the resolution of the 1st instant, an additional list of judgments for damage, due to the improvement of the Fox and Wisconsin Rivers.

AUGUST 16, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 14, 1890.

SIR: In further reply to the resolution of the Senate of August 1, I have the honor to say that there should be added to the list of judgments for damages, due to the improvement of the Fox and Wisconsin Rivers, the following:

Adam Velte—	
Damages	$455.50
Costs	215.67
Total	671.17

as shown by the accompanying copy of a letter of the 12th instant, from Mr. A. E. Thompson, assistant United States attorney, in charge of these cases.

A certified copy of this judgment is on file in the Department, and I know of no reason why it should not be paid.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

The PRESIDENT OF THE SENATE.

OSHKOSH, WIS., *August* 12, 1890.

SIR: I see by dispatches from Washington that you have been requested to furnish the Senate with a list of cases which have been finally disposed of in the matter of the ascertainment of damages by reason of the works of improvement in the Fox and Wisconsin Rivers. In addition to cases already reported, I beg leave to report the case of Adam Velte against the United States, tried in our circuit court, wherein judgment was rendered for the claimant for the sum of $671.17, damages and costs, on the 13th day of July, 1889, which judgment was, in March last, affirmed by the supreme court of this State.

Yours, very respectfully,

A. E. THOMPSON,
Assistant United States Attorney.

Hon. W. H. H. MILLER,
Attorney-General of the United States, Washington, D. C.

O

51ST CONGRESS, 1st Session. } SENATE. { EX. DOC. 206. Part 3.

LETTER

FROM

THE ACTING ATTORNEY-GENERAL,

TRANSMITTING

In further answer to Senate Resolution of the 1st instant an appeal from an award of the commissioners appointed for the settlement of damages growing out of the Fox and Wisconsin River improvement.

AUGUST 19, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 19, 1890.

SIR: In further reply to the resolution of the Senate of the 1st instant, I have the honor to forward the accompanying copy of a letter of Mr. Thompson, special assistant attorney in charge of the cases growing out of the improvement of the Fox and Wisconsin rivers, showing that the appeal from the award of the commissioners in the case of W. E. Goutermont was, on the 14th day of August, 1890, dismissed, and the award, amounting to $600, now stands unappealed from and final. I know of no reason why this account should not be paid with the others heretofore submitted to the Senate.

Very respectfully,

WM. H. TAFT,
Acting Attorney-General.

The PRESIDENT OF THE SENATE.

OSKOSH, WIS., *August* 15, 1890.

SIR: I respectfully report that in the case of W. E. Goutermont against the United States an award was duly made on the 14th day of November, 1889, and filed on the 15th day of November, 1889, by the commissioners theretofore duly appointed by the circuit court of Fond du Lac County, Wis., whereby there was awarded to such claimant for damages occasioned by the maintenance of the dam at Menasha the sum of $600; that on the 25th day of November, 1889, the claimant, W. E. Goutermont, duly appealed from such an award to the circuit court of said county of Fond du Lac as is fully stated and shown in the report of E. E. Chapin, esq., dated March 1, 1890, then assistant United States attorney, and as will appear on page 45 of his report; that on the 14th day of August, 1890, upon the stipulation of the parties, such appeal was *dismissed* by the court without cost to either party, and

that said award as made and filed by the commissioners now stands u
appealed from and final. I infer that such stipulation was agreed t
on the part of the claimant in hopes that thereby the amount so awarde
would be provided for in the first appropriation bill that should pa
for the payment of claims of this character.

I am, yours, most respectfully,

A. E. THOMPSON,
Special Assistant United States Attorney.

Hon. W. H. H. MILLER,
Attorney-General of the United States, Washington, D. C.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 207.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

A copy of a preliminary report of Col. O. M. Poe, Corps of Engineers, concerning the accident to the lock at Sault Ste. Marie.

August 12, 1890.—Referred to the Committee on Commerce and ordered to be printed.

War Department,
Washington, August 12, 1890.

Sir: I have the honor to transmit herewith a letter from the officer in charge of the Office of the Chief of Engineers, dated the 11th instant, and its accompanying copy of a preliminary report by Col. O. M. Poe, Corps of Engineers, concerning the recent accident to the lock at the Sault Ste. Marie, in further response to resolution of August 4, 1890, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate as soon as may be, information respecting the recent accident to the lock at the Sault Ste. Marie, showing—

The nature and cause of such accident.

Its effect upon the passage of vessels through the lock.

The number (if any) of vessels waiting at or near the Sault, the passage of which through the lock has been prevented by the accident thereto.

Within what time the accident to the lock can be repaired so that navigation through the same can be resumed.

Very respectfully,

J. M. Schofield,
Major-General, Acting Secretary of War.

The President of the United States Senate.

Office of the Chief of Engineers, U. S. Army,
Washington, D. C., August 11, 1890.

Sir: Referring to letter from this office of the 4th instant, submitting certain papers containing information concerning recent accident to the lock at the Sault Ste. Marie, called for by resolution of the United States Senate of that date, I have now the honor to submit the accompanying copy of preliminary report, dated August 7, just received from Col. O. M. Poe, Corps of Engineers, the officer in charge of the work, to whom a copy of the resolution of the Senate was referred for report.

In the accompanying report Colonel Poe states:

A full and complete report upon the subject has been in course of preparation fro the date of the accident, but several days must elapse before the requisite statisti can be obtained to fully show the commercial features of the case. Meanwhile, f immediate information, this preliminary report is submitted, to be followed later b a more exhaustive one.

This further report will be duly submitted when received.

Very respectfully, your obedient servant,

H. M. ADAMS,
Major, Corps of Engineers, in charge.

Hon. REDFIELD PROCTOR,
Secretary of War.

PRELIMINARY REPORT.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., August 7, 1890.

SIR: I have to acknowledge receipt of a copy of the resolution adopte by the Senate of the United States, August 4, 1890, directing the Se retary of War "to transmit to the Senate, as soon as may be, informa tion respecting the recent accident at the lock at Sault Ste. Marie," r ferred to me for early report.

A full and complete report upon the subject has been in course of pre aration from the date of the accident, but several days must elapse befor the requisite statistics can be obtained to fully show the commercial fea ures of the case. Meanwhile, for immediate information, this prelim nary report is submitted, to be followed later by a more exhaustive on

The resolution calls for information upon four points.

First—The nature and cost of such accident.

A short description of the valves is necessary to a due understand ing of the nature of the accident.

The valves are four in number, arranged in pairs, one pair for fillin and one pair for emptying the lock. They serve to close the up-strea ends of the filling and emptying tunnels respectively. The filling tu nels pass under the upper miter-sill, and stop above the lower. Th emptying tunnels pass under the lower miter-sill and discharge into th pool below the lock. Each of these tunnels has a cross-section of 8 fe by 10 feet at its head, where the water enters it, and consequently th valves are of that size also. The valves are alike in all respects, there fore the description will be confined to the emptying-valve on the north ern side of the lock (the one that broke).

The valve is constructed of a frame of cast-iron, covered by wrought iron plates. It is 8 feet wide in a vertical direction and 10 feet long, an is supported upon a horizontal axis of cast-iron, the trunnions of whic were originally 10 inches in outer diameter, with a 6-inch bore throug them, thus giving 2 inches of iron all around. Two inches within th ends of the valve the casting enlarges in area of cross-section—th cross-section becomes four-sided; two of the sides being planes to r ceive the ends of the ribs (which are bolted to it), and the other tw sides being curved to receive the covering plates. The weight of th valve in air is about 5 tons and about half a ton less in water. At th ordinary stage of water its axis is submerged about 23 feet. With difference of level of 18 feet, as at present, and the lock full of wate

the pressure upon the valve, due to the head of water, is about 45 net tons.

The valve is operated by a water-engine connected directly with it (each valve has its own engine) at such a level as to make the action as nearly horizontal as possible (see sketches herewith).

The valves were first put into use in 1881, and, as is well known, the service they have been called upon to perform has been enormous. No less than 63,710 vessels passed the lock between the date of its opening, September 1, 1881, and that of the accident, July 31, 1890, of which only 3,748 were unregistered craft. This use, even in the clear water of Lake Superior, caused considerable wear upon the trunnions. This was remedied as far as possible each year, and last fall the two emptying-valves were taken to a machine-shop, the trunnions turned true, but no more metal removed than was absolutely necessary to accomplish this, and a wrought-iron band of the full length of each trunnion and of sufficient thickness to restore the diameter was shrunk upon it. The question was considered as to whether the trunnions still had sufficient strength to render them safe, and the conclusion was reached that they were perfectly safe. The result has shown that we were in error in regard to at least one trunnion.

The valves failed at 4 p. m., on Thursday, July 31. An examination was made by a driver and the main facts as to the nature of the accident were developed. The south trunnion of the north emptying-valve had been broken square off at its junction with the four-sided portion of the axis, and the valve had dropped down at that end. The cap-square of the north bearing had been broken into three pieces by the leverage of the valve acting upon the north trunnion. The connecting-rod of the water-engine had been badly twisted and bent, and the brasses broken.

In this emergency we were fortunate in having as superintendent of the canal, Mr. Martin Lynch, a cool-headed man quite equal to the position. No time was lost in devising a practicable scheme of repair. The guard gates were closed as soon as possible, the pumps were started to pump out the lock-chamber, and the machine shop at Sault Ste. Marie was put at work upon the parts necessary to carry the plan into effect. I was informed by telegraph of the nature of the accident, and at once directed as follows:

Exhaust every resource to repair lock in shortest time. Keep me informed by telegraph. I want details as fast as you ascertain them.

Although every available pump was pressed into service they seemed to be too slow. With the pump which is permanently placed for the express purpose of pumping out the lock we have time and again accomplished it in thirty-six hours. On this occasion, while going at full speed, an accident occurred to it which required three hours to repair. The other pumps proved of no avail, and altogether about forty hours elapsed from the time the pumping began before the lock was empty so that the valve could be reached. Meanwhile the work at the machine-shop proceeded, and was completed by the time the valve was exposed. The slow progress made in pumping out the lock impressed many of the interested spectators with the idea that there was unnecessary delay, or a delay that could be remedied somehow. Some of the most prominent personages looking on lost their heads, and correspondents in some cases (not all by any means) sent sensational and erroneous dispatches to their newspapers. But the work went quietly on day and night, with all the force that could be utilized, and by 8.30 a. m., Monday,

August 4, navigation was resumed after a suspension of about eighty eight hours.

While it is easy to describe the nature of the accident, it is not so easy to state its cause. When the trunnions were turned true last winter the loss of metal was not overlooked. Investigation, however, led to the conclusion that we were still well within the limit of safety, and I still think that conclusion correct.

The break was due to some extraneous cause which we have not yet discovered. All sorts of suggestions as to the probable cause have been made, but the only one that seems to me plausible is that a stone or piece of driftwood was caught between the valve and its frame, and the strain thus produced resulted in the break. I do not accept this as a fact, nor do I see how such an obstruction could possibly occur in view of the rush of water through the opening. One of the most improbable theories advanced is that the accident resulted from the blasting going on in the neighboring pit now under excavation for the new lock. I do not think it possible that this blasting could have any damaging effect upon the valves of the present lock. In reply to the question, what caused the accident? I can then only reply that at present we do not know.

Second. Its effect upon the passage of vessels through the lock.

The immediate effect was a complete stoppage of all navigation through the lock. Those which arrived at either end of the canal were as effectually barred there as if no lock existed at all.

It would have been possible to block up the tunnel covered by the disabled valve and use the other alone. But the delay which this course would have caused would have been about ten minutes on each lockage, or a total of about six hours out of each twenty-four, equivalent to a loss of more than thirty days during the remainder of the season. By having the machine work done while the pumping was in progress, the valve was repaired for use as soon as the tunnel could have been closed, so that we would not have had even a present benefit at the cost of a subsequent loss of thirty days. It would therefore have been advisable to complete the repairs to the valve even if they had required as much as ten days.

Third. The number (if any) of vessels waiting at or near the Sault the passage of which through the lock has been prevented by the accident thereto.

At 8.30 a. m. on Monday, the 4th inst., when locking was resumed, we had a list of 131 vessels, which had been made to record the order of their arrival for the purpose of establishing their right of way through the lock. There were at that time several others whose time had not yet been reported, and were therefore not on the list, and the number was being constantly augmented by the arrival of additional vessels.

At 8.30 a. m. to-day, seventy-two hours after the resumption of locking, 265 vessels had passed the canal. Until the statistics are all made up it is impossible to tell whether this represents all that have been delayed. The effect may extend into the next few days, and at this time I prefer not to attempt an estimate of the number affected. The loss from detention will be great, but such statements as some I have seen that it will amount to $500,000 per day, are evidently erroneous. It will be large enough to be startling, but can not, in my opinion, exceed $100,000 per day. The total will depend upon the duration of the effect. It may be assumed that at least 150 vessels will lose half a voyage, and that these, with their cargoes, represent fully $15,000,000.

Fourth. Within what time the accident to the lock can be repaired so that navigation through the same can be resumed.

The accident to the lock was repaired in about eighty-eight hours, and locking had been resumed at the time the resolution was adopted.

A sketch illustrating the construction of the valve is herewith transmitted.

All of which is respectfully submitted.

O. M. POE,
Colonel, Corps of Engineers,
Bvt. Brig. Gen., U. S. A.

Brig. Gen. THOS. LINCOLN CASEY,
Chief of Engineers, U. S. A.

SUPPLEMENTARY REPORT.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., August 8, 1890.

SIR: Since my preliminary report of yesterday's date was written, I have received by telegraph from Sault Ste. Marie the following information, the compilation of which had just been completed. As it gives the statistics of the delay caused by the recent accident to the lock at St. Mary's Falls Canal with greater accuracy than was possible on the date of my preliminary report, I have to request that it be forwarded as an appendix to the latter:

Total number of vessels delayed	265
Greatest number at one time	182
Value of delayed cargos	$2,525,550
Value of delayed vessels	$16,489,000
Number of passengers delayed	1,362

Very respectfully, your obedient servant,

O. M. POE,
Colonel, Corps of Engineers,
Bvt. Brig. Gen., U. S. A.

Brig. Gen. THOS. LINCOLN CASEY,
Chief of Engineers, U. S. A.

51ST CONGRESS, 1st Session. | SENATE. | Ex. Doc. 207, Part 2.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

In further answer to resolution of the 4th instant, a report of Col. O. M. Poe, Corps of Engineers, in regard to the recent accident to the lock in the Sault Ste. Marie Canal.

AUGUST 22, 1890.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, August 22, 1890.

SIR: I have the honor to transmit herewith a letter from the officer in charge of the office of the Chief of Engineers, dated the 21st instant, together with a copy of a report in detail in regard to the recent accident to the lock in the Sault Ste .Marie Canal, from Col. O. M. Poe, Corps of Engineers, in further response to Senate resolution of the 4th instant, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate as soon as may be information respecting the recent accident to the lock at the Sault Ste. Marie, showing the nature and cause of such accident, its effect upon the passage of vessels through the lock, the number, if any, of vessels waiting at or near the Sault, the passage of which through the lock has been prevented by the accident thereto, and within what time the accident to the lock can be repaired so that navigation through the same can be resumed.

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., August 21, 1890.

SIR: Referring to letter from this office dated August 11, 1890, relative to the recent accident to the lock in the Sault Ste. Marie Canal, in which it was stated that more complete information would be furnished upon its receipt at this office, and in further compliance with the requirements of the resolution of the Senate of the 4th instant, I have the honor to submit herewith copy of report in detail in said matter made by Col. O. M. Poe, Corps of Engineers, under date of August 19, 1890.

Very respectfully, your obedient servant,

H. M. ADAMS,
Major, Corps of Engineers,
In charge.

Hon. REDFIELD PROCTOR,
Secretary of War.

REPORT UPON ACCIDENT AT ST. MARY'S FALLS CANAL.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., August 19, 1890.

SIR: I have the honor to submit the following detailed report upo the recent accident at St. Mary's Falls Canal by which navigation wa suspended.

At 4 p. m. July 31 an upward-bound lockage was in progress, an when the lock-chamber had been about half filled it was observed tha something was wrong with the emptying valve on the northern side o the lock. The filling valves were at once closed, the level of the wate in the lock-chamber was reduced to that of the lower pool, the divin crew, which was then at work at the movable dam more than half a mi distant, was brought to the lock, and a diver was sent down into th valve-well to ascertain what the trouble was. He reported substantiall that the axis of the valve was broken at the southern end, the connec ing rod and piston of the valve engine were bent and twisted, and th keys were so twisted and jammed as to make their removal a matter o considerable difficulty. He sent up the broken end of the axis, and a inspection of this suggested the practicability of repair.

This preliminary examination was completed by 5:30 p m., whereupo Mr. Martin Lynch, superintendent of the canal, began preparations fo pumping out the lock-chamber. The upper guard-gates were close with little delay, but the lower guard-gates encountered an obstructio in the shape of broken stone, which had been torn from the bottom o the lower entrance by the wheels of vessels, and, by their action, throw into the lower portal of the lock. In swinging towards the miter-si the gates shoved these stones before them until they would no longe move. It then became necessary to use divers to remove the obstru tion, and the amount was found so great, that notwithstanding the wor was done as rapidly as possible the entire night was consumed in com pleting it, so that it was not until 5:30 a. m. August 1, that the lowe guard-gates could be closed.

In the mean time a plan for making the necessary repairs had bee devised by Superintendent Lynch. The measurements of the require new parts were given to the machine-shop of Messrs. Hickler & Son and work upon them was begun. The large pump which is permanentl in place for pumping out the lock-chamber was started as soon as th guard-gates were closed, but at first there was some delay, owing to slip ping of the belt connecting it with the turbine wheels which operate i This was soon overcome, however, and the pump began lowering th water at its usual rate of about 1 foot per hour.

In order to expedite the pumping, wrecking pumps belonging to Mr Perry were hired and reached the lock about noon, but on account o the length of suction required were unable to do any work.

Assistant Engineer E. S. Wheeler, who also acts as general superin tendent of the canal, was absent at Middle Neebish (Hay Lake Chan nel) when the accident occurred. He returned at 11 a. m., August 1 and in company with Lieut. H. F. Hodges, Corps of Engineers, examine the plan of repairs proposed by Mr. Lynch. These were approved with out change or modification of any kind.

In the absence of Mr. Wheeler I had been informed by Lieutenan Hodges, by telegraph, of the accident. This telegram was not receive until late in the night of July 31. Early in the morning of August 1, sent the following instructions by telegraph:

Exhaust every resourse to re-open lock in shortest time. Keep me informed b telegraph. I want details as fast as you ascertain them.

I would have started for Sault Ste. Marie at once, but for the imperative provision of law requiring accounts to be rendered during the first ten days of each month, and the knowledge that nothing could be done until the lock-chamber was emptied, which would require at least thirty-six hours from the time the pumps were started.

After the failure of the Perry wrecking pump, a 6-inch centrifugal pump was obtained from Mr. Strachan. At first it did not work very well, but after being re-arranged it did good work until the water was lowered to the level of the lock floor, when the suction became so great that it was of little further use.

When the suction-pipe of the large permanent pump connected with the lock was put into position it was found that it would not go down vertically into the corner of the well where it belonged. This resulted from repairs made to it after the pump was last used, just before the opening of navigation. Four hours were lost in placing this pipe, and finally the part which should have been vertical was left with a considerable obliquity. In consequence of this delay the water was not pumped out so as to expose the broken valve until about 2 p. m. on Saturday, August 2.

The injury was then found to have been correctly reported by the diver. The trunnion at the southern end of the axis had been broken square off, a fortunate circumstance; the cap-square of the northern bearing was broken; the connecting-rod and piston of the valve engine were found bent and the brasses crushed out of shape. The twisting and jamming of the keys were so great that considerable time was required to disconnect the engine from the valve.

While this was being done one of the feathers in the large pump broke. This occurred at about 4 p. m. on the 2d, and while the feather was being repaired the suction-pipe was taken out, fitted with new packing, and placed in its proper position. All this, however, involved additional delay.

The pump belonging to Mr. Strachan kept the water from rising more than a foot above the lock floor. At this time the new 8-inch Cameron pump was put in the lock, but before it was ready for use the large pump had been repaired and was again started. The water was again lowered, and at 4 a. m. on the 3d the work of disconnecting the engine was resumed. I arrived in the lock-pit at about 7 a. m., having traveled (in advance of the regular train on which I had taken passage) on a special train tendered by the Michigan Central Railroad. By 9 a. m. the engine and valve were hoisted out and repairs begun.

To attach the broken trunnion to the axis of the valve was rendered possible by the character of the break, and the fact that the trunnions have a core 6 inches in diameter through them and the axes is hollow. A steel rod 4 inches in diameter, and a little more than 12 feet long was passed through the axis from end to end. This rod was enlarged by a sleeve 2 feet long and 6 inches in diameter, fitting the axis at the broken end. It was provided with a head and washer at the broken end of the axis, and a washer with nut and jam-nut at the other end. When the rod was passed through the axis, with the broken trunnion next its head, and fitted so that the broken parts came into their original position, the nuts at the unbroken end of the axis were firmly screwed up, and the repaired axis was made as strong as before the break.

The sleeve surrounding the rod was stayed in the interior of the valve axis by two half circles of iron provided with lugs, which clasped the sleeve and were pressed together by set-screws passing through the frame of the valve and abutting against the lugs on opposite sides.

The repairs to the valve were completed by 6 p. m. of the 3d, and at 2 a. m. on the 4th the valve and engine were back in their proper position and connections made. The pumps were then taken out and the lock cleared. Water was admitted to the lock chamber at 6.25 a. m. and at 8.30 the lock was again ready for use. At 8.50 the U. S. Light-House tender, *J. S. Ruby*, (chartered), passed up, the Canadian steamer *Alberta* and steamer *Mentor* making the lockage with her, and the locking was then continuous for three days and eighteen hours.

The location of the break and the method of repairing it are shown on the accompanying sketches.

NATURE AND CAUSE OF THE ACCIDENT.

A short description of the valves is necessary to a due understanding of the nature of the accident.

The valves are four in number, arranged in pairs, one pair for filling and one pair for emptying the lock. They serve to close the up-stream ends of the filling and emptying tunnels respectively. The filling tunnels pass under the upper miter-sill and stop above the lower. The emptying tunnels pass under the lower miter-sill and discharge into the pool below the lock. Each of these tunnels has a cross-section of 8 feet by 10 feet at its head, where the water enters it, and consequently the valves are of that size also. The valves are alike in all respects, therefore the description will be confined to the emptying valve on the northern side of the lock, (the one that broke.)

The valve is constructed of a frame of cast-iron, covered by wrought-iron plates. It is 8 feet wide in a vertical direction and 10 feet long, and is supported upon a horizontal axis of cast-iron, the trunnions of which were originally 10 inches in outer diameter with a six-inch core through them, thus giving 2 inches of iron all around. Two inches within the ends of the valve the casting enlarges in area of cross-section, the cross-section becomes four sided; two of the sides being planes, to receive the end of the ribs (which are bolted to it), and the other two sides being curved to receive the covering plates. The weight of the valve in air is about four and three-fifths net tons, and four net tons in water. At the ordinary stage of water its axis is submerged about 23 feet. With a difference of level of 18 feet, as at present, and the lock full of water, the pressure upon the valve due to the head of water is about 45 net tons.

The valve is operated by a water-engine connected directly with it (each valve has its own engine,) at such a level as to make the action as nearly horizontal as possible. (See sketches herewith.)

The valves were first put into use in 1881, and, as is well known, the service they have been called upon to perform has been enormous. No less than 63,710 vessels passed the lock between the date of its opening, September 1, 1881, and that of the accident, July 31, 1890, of which only 3,748 were unregistered craft. This use, even in the clear water of Lake Superior, caused considerable wear upon the trunnions. This was remedied as far as posible each year, and last fall the two emptying valves were taken to a machine-shop, the trunnions turned true, but no more metal removed than was absolutely necessary to accomplish this, and a wrought-iron band of the full length of each trunnion, and of sufficient thickness to restore the diameter, was shrunk upon it. The question was considered as to whether the trunnions still had sufficient strength to render them safe, and the conclusion was reached that they were

perfectly safe. The result has shown that we were in error in regard to at least one trunnion.

The valves failed at 4 p. m. on Thursday, July 31. An examination was made by a diver, and the main facts as to the nature of the accident were developed. The south trunnion of the north emptying valve had been broken square off at its junction with the four-sided portion of the axis, and the valve had dropped down at that end. The cap-square of the north bearing had been broken into three pieces by the leverage of the valve acting upon the north trunnion. The connecting rod of the water-engine had been badly twisted and bent and the brasses broken.

In this emergency we were fortunate in having as superintendent of the canal Mr. Martin Lynch, a cool-headed man, quite equal to the position. No time was lost in devising a practicable scheme of repair. The guard-gates were closed as soon as possible, the pumps were started to pump out the lock-chamber, and the machine-shop at Sault Ste. Marie was put at work upon the parts necessary to carry the plans into effect. I was informed by telegraph of the nature of the accident, and replied by telegraph as quoted above.

Although every available pump was pressed into service, they seemed to be too slow. With the pump which is permanently placed for the express purpose of pumping out the lock we have time and again accomplished it in thirty-six hours. On this occasion, while going at full speed, an accident occurred to it which required three hours to repair and involved a delay of four hours. The other pumps proved of no avail, and altogether about forty hours elapsed from the time the pumping began before the lock was empty so that the valve could be reached. Meanwhile the work at the machine-shop proceeded, and was completed by the time the valve was exposed. The slow progress made in pumping out the lock impressed many of the interested spectators with the idea that there was unnecessary delay, or a delay that could be remedied somehow. Some of the most prominent personages looking on lost their heads, and correspondents in some cases (not all by any means) sent sensational dispatches to their newspapers. But the work went quietly on, day and night, with all the force that could be utilized, and by 8:30 a. m. Monday, August 4, navigation was resumed after a a suspension of about eighty-eight hours.

While it is easy to describe the nature of the accident, it is not so easy to state its cause. When the trunnions were turned true last winter the loss of metal was not overlooked. Investigation, however, led to the conclusion that we were still well within the limit of safety, and I still think that conclusion correct. The break was due to some extraneous cause which we have not yet discovered. All sorts of suggestions as to the probable cause have been made, but the only one that seems to me plausible is that a stone or piece of drift-wood was caught between the valve and its frame, and the strain thus produced resulted in the break. I do not accept this as a fact, nor do I see how such an obstruction could possibly occur in view of the rush of water through the opening. One of the most improbable theories advanced is that the accident resulted from the blasting going on in the neighboring pit now under excavation for the new lock. I do not think it possible that this blasting could have any damaging effect upon the valves of the present lock. In reply to the question what caused the accident, I can, then, only reply that at present we do not know.

EFFECT OF THE ACCIDENT UPON THE PASSAGE OF VESSELS THROU THE LOCK.

The immediate effect was a complete stoppage of all navigati through the lock. Those which arrived at either end of the canal we as effectually barred there as if no lock existed at all.

It would have been possible to block up the tunnel covered by t disabled valve and use the other alone. But the delay which th course would have caused would have been about ten minutes on ea lockage, or a total of about six hours out of each twenty-four, equiv lent to a loss of more than thirty days during the remainder of t season. By having the machine work done while the pumping was progress the valve was repaired for use as soon as the tunnel cou have been closed, so that we would not have had even a present bene at the cost of a subsequent loss of thirty days. It would therefo have been advisable to complete the repairs to the valve even if th had required as much as ten days.

THE NUMBER OF VESSELS WAITING AT OR NEAR THE SAULT, TH PASSAGE OF WHICH THROUGH THE LOCK WAS DELAYED BY TH ACCIDENT.

As soon as I heard of the accident I comprehended what it meant the commerce of the canal, and foresaw the demand that would be ma from all directions for trustworthy statistics concerning the effects the delay to which shipping and shipping interests would be subjecte Therefore, my telegram urging the exhaustion of every resource to redu the delay to a minimum was followed by the following letter of instru tions to Assistant Engineer E. S. Wheeler, at Sault Ste. Marie, viz:

You will please make and send to this office a record of all vessels delayed Sault Ste. Marie, by the accident to the valve which has disabled the lock. What want to get at by this is:

First. A complete list, by name, of all vessels delayed solely by the accident.
Second. The length of time each was delayed.
Third. The average length of delay.
Fourth. The greatest number congregated at the canal at *one time*.
Fifth. An estimate of the value of the vessels, with their cargoes, delayed.
Sixth. Any other information that you think would be of use in this connection.

The result of these instructions has been very complete, and the i formation is embodied in the tables given herewith. They show th name of each and every vessel that was delayed, its registered tonnag value, and the duration of its delay.

The effects of the accident began with the moment when it occurred that is to say, at 4 p. m., July 31. They ceased at 9:25 a. m., August The time when the effect ceased was determined in the following man ner: From the canal records for June, 1890, it was found that the ave age time consumed by each vessel passing the canal during that mont was 4 hours and 45 minutes. It was assumed that as soon as the tim between the arrival of a vessel at the canal and its departure therefro was reduced to 4 hours and 45 minutes, the effect of the accident ha terminated. This occurred at 9:25 a m. on the 7th, and thereafter an detention of vessels was due to other causes than the accident to th valve.

The tables show that 264 vessels were delayed. The total time o the delay was 499 days 13 hours and 56 minutes, but since each vess would have occupied 4 hours and 45 minutes in passing the canal, if ther had been no accident, it follows that the part of the total delay due sole

to the broken valve, was 447 days 7 hours and 56 minutes. The season of navigation in 1889 was 224 days; therefore the loss of time, as determined above, is almost exactly the entire time of two average vessels for a whole season of navigation, the direct loss in money being measured by the gross earnings of two such average vessels for the same period.

The total value of the vessels detained is shown by the tables to be $16,489,000. Their cargoes amounted to 284,284 net tons, having a value of $2,525,500. The total number of passengers delayed was 1,362. The greatest number of vessels congregated at the canal at one time was 182. This occurred at 9 a. m., on the 4th, practically simultaneously with the resumption of locking. After that time waiting vessels were passed through the lock faster than new ones arrived, and the number waiting steadily diminished.

Although it is assumed, for the reasons stated above, that the effects of the accident ceased at 9:25 a. m., on the 7th, yet a sufficient number of vessels arrived on that day to make the locking continuous until 3 a. m., on the 8th, thus causing three days and eighteen hours of continuous locking.

In his letter reporting the accident, written early on Friday morning, August 1, after the diver had made his examination and report, but long before the lock had been sufficiently pumped out to expose the broken valve, Lieutenant Hodges, Corps of Engineers, stated as follows:

> The length of delay can not be accurately estimated as yet, but it is hoped that repairs can be made by Monday morning.

This estimate was doubtless made by Superintendent Martin Lynch, and the fact that the repairs were completed and locking resumed at 8:30 a. m., on Monday, indicates his complete grasp of the requirements of the case, coupled with the facilities at hand for meeting them.

Lamentable as the suspension of navigation undoubtedly was, yet the remarkable promptness with which the necessary steps were taken to secure the earliest possible resumption, and the efficiency with which they were carried into effect, are worthy of all commendation.

The lock has been in use since September 1, 1881, and this was the first accident to cause serious delay. In view of the enormous amount of work this machinery has been called upon to perform and the many sources of danger, its freedom from vexatious accidents is truly wonderful. I venture the assertion that nowhere, on public or private works, has any corresponding immunity been experienced. It was not surprising that the splendid record should be finally broken. The probability of it has been constantly recognized, and my reports abound with references to the dangers, and the necessity for the exercise of every precaution, even to the construction of an additional lock, so that if one should be disabled the other would still be available.

The accident which has heretofore been most feared is one that might disable the lower gates of the lock, and in order to be as well prepared as possible for repairing a serious injury to them the requisite bill of timber for constructing a new set complete was purchased two years ago and is kept stored in a building erected for the purpose. The recent accident teaches us that another but less serious danger exists. Every possible precaution is being taken to provide against a recurrence of a similar one, or if one should occur to reduce the resulting suspension of navigation to a minimum. Steel rods for use in repairing the axle of each valve will be purchased and kept on hand. A proposition will be submitted to build one or two new valves to be kept in readiness to be substituted for a broken one, and for an increase of the

pumping plant. The prompt manner in which the recent trouble disposed of is a fit subject of congratulation to all concerned, but, as lies in our power, we hope and expect to be able to meet and re in still less time any one of a like kind that may occur after the ing of navigation next season.

I am, sir, very respectfully, your obedient servant,

O. M. POE,
Colonel, Corps of Engineers,
Bvt. Brig. Gen., U. S.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, U. S. A.

Statistics of commerce delayed by accident of July 31, 1890, to north emptying valve, St. Mary's Falls Canal lock.

No.	Name of vessels.	Registered tonnage.	Date of passage.	Time delay commenced.			Time delay ended.			Total time of delay.			Value of vessel.
				Date.	A. M.	P. M.	Date.	A. M.	P. M.	Days.	Hours.	Min.	
	BOUND DOWN.												
1	H. Magnus	541	Aug. 4	July 31		3.35	Aug. 4	10.00		3	18	25	$23,500
2	John Oades	1,226	do	do		3.50	do	10.15		3	18	25	105,000
3	B. W. Parker	1,421	do	do		3.50	do	10.15		3	18	25	78,000
4	Rosedale	660	do	do		8.45	do	11.15		3	14	30	100,000
5	Northern Light	1,885	do	do		11.35	do	11.25		3	11	50	225,000
6	India	932	do	Aug. 1	8.30		do	11.27		3	7	57	90,000
7	A. Folsom	790	do	do	2.00		do		1.00	3	11		60,000
8	M. P. Mitchell	915	do	do	2.00		do		1.00	3	11		50,000
9	Nelson	729	do	do	2.00		do		1.00	3	11		30,000
10	Superior	838	do	do	2.30		do		2.45	3	12	15	48,000
11	Sandusky	796	do	do	2.30		do		2.45	3	12	15	26,000
12	United Empire	1,296	do	do		7.00	do		2.55	2	19	55	118,000
13	Ramona	29	do	Aug. 2	11.00		do		2.55	2	3	55	12,000
14	Philip Minch	1,658	do	do	2.45		do		3.55	2	13	10	125,000
15	R. R. Rhodes	1,287	do	do	3.00		do		4.05	2	13	5	110,000
16	Mystic	84	do	Aug. 1		4.20	do		3.55	2	23	35	4,500
17	V. Swain	817	do	do		4.00	do		5.40	3	1	40	55,000
18	Helvetia	754	do	do		4.00	do		5.40	3	1	40	26,000
19	City of Traverse	926	do	Aug. 2	8.00		do		5.30	2	9	30	70,000
20	Joliet	1,596	do	Aug. 1	4.10		do		6.20	3	14	10	165,000
21	R. P. Flower	1,165	do	do	6.00		do		6.30	3	12	30	105,000
22	Colorado	1,322	do	do	6.30		do		8.10	3	13	40	60,000
23	May Durr	444	do	do		3.00	do		8.15	3	5	15	50,000
24	J. T. Johnson	426	do	do		3.00	do		8.15	3	5	15	15,500
25	Annie Clark	50	do	do		4.20	do		8.20	3	4		6,000
26	Queen of the West	625	do	do		3.30	do		10.10	3	6	40	50,000
27	Vienna	829	do	do		4.00	do		10.15	3	6	15	60,000
28	C. H. Johnson	316	do	do		4.00	do		10.15	3	6	15	8,000
29	Badger State	917	do	Aug. 2	11.00		do		10.25	2	11	25	48,000
30	P. P. Pratt	1,642	do	do	5.00		Aug. 5	12.30		2	19	30	125,000
31	Annie M. Ash	1,212	do	Aug. 1		5.00	do	4.45		3	7	45	65,000
32	Laura	5	do	Aug. 4		9.35	do	12.50			3	15	
33	C. B. Lockwood	1,733	Aug. 5	Aug. 1		7.30	do	2.50		3	7	20	150,000
34	Japan	932	do	Aug. 3	4.55		do	2.50		1	22	5	90,000
35	Northern Wave	1,885	do	Aug. 1		8.45	do	4.45		3	8		225,000
36	Maruba	1,835	do	do		10.40	do	4.45		3	6	5	200,000
37	Vulcan	1,366	do	do		10.45	do	6.45		3	8		160,000
38	J. H. Wade	1,502	do	Aug. 2	1.00		do	6.50		3	5	50	165,000
39	Mentor	257	do										12,000
40	Colgate Hoyt	1,008	do	Aug. 2	4.45		Aug. 5	8.25		3	3	40	115,000

Statistics of commerce delayed by accident of July 31, 1890, *to north emptying valve, St. Mary's Falls Canal lock*—Continued.

No.	Name of vessels.	Registered tonnage.	Date of passage.	Time delay commenced.			Time delay ended.			Total time of delay.			Value of vessel.
				Date.	A. M.	P. M.	Date.	A. M.	P. M.	Days.	Hours.	Min.	
	BOUND DOWN—continued.												
41	Mary Virginia	16	Aug. 5										$6,000
42	C. Tower, jr	1,544	do	Aug. 2	10.30		Aug. 5	8.35		2	22	5	115,000
43	Walter Vail	642	do	do	4.00		do	10.40		3	6	40	80,000
44	Adriatic	860	do	do	4.00		do	10.40		3	6	40	50,000
45	Baltic	860	do	do	4.00		do	10.40		3	6	40	50,000
46	Iron Age	968	do	do	11.15		do		12.30	3	1	15	75,000
47	Iron Queen	1,321	do	do	11.15		do		12.30	3	1	15	68,000
48	City of Duluth	912	do	Aug. 5	3.15		do		12.35		9	20	70,000
49	J. H. Farwell	998	do	do	11.30		do		2.30		3		75,000
50	J. H. Rutter	1,180	do	do	11.30		do		2.30		3		35,000
51	Mary Virginia	16	do										6,000
52	Geo. T. Hope	1,275	do	Aug. 5	11.50		Aug. 5		3.40		3	50	100,000
53	Siberia	1,222	do	do		3.15	do		3.45			30	95,000
54	Parks Foster	1,475	do	do		1.30	do		5.10		3	40	175,000
55	Geo. F. Williams	1,507	do	do	11.00		do		5.05		6	5	120,000
56	Chas. Hebard	614	do	do	9.00		do		6.30		9	30	75,000
57	Aloha	501	do	do	9.00		do		6.30		9	30	26,000
58	Annabell Wilson	467	do	do	9.00		do		6.30		9	30	25,000
59	Ben Brink Scow		do	do	9.00		do		6.30		9	30	8,000
60	General Weitzel	22	do	do		4.45	do		6.30		1	45	2,500
61	Scow		do	do		5.30	Aug. 6		6.30	1	1		
62	Hesper	1,540	do	Aug. 3	2.10		Aug. 5		7.50	2	17	40	108,000
63	Veronica	881	do	do	4.30		do		7.55	2	15	25	70,000
64	Servia	1,782	do	do	3.15		do		11.50	2	20	35	110,000
65	Moravia	1,014	do	do	3.15		do		11.50	2	20	35	60,000
66	Mary Virginia	16	Aug. 6										6,000
67	P. S. Marsh	516	do	Aug. 3	3.15		Aug. 6	1.25		2	22	10	17,000
68	Alex. Nimick	1,632	do	do		10.10	do	1.35		2	8	25	150,000
69	F. W. Wheeler	1,175	do	do	11.15		do	4.00		2	16	45	105,000
70	Ashland	937	do	do	11.15		do	4.00		2	16	45	45,000
71	Wo-co-ken	1,170	do	do		3.00	do	5.15		2	14	15	80,000
72	Pelican	773	do	do		3.00	do	5.15		2	14	15	17,000
73	B. W. Blanchard	1,024	do	Aug. 4	1.45		do	6.45		2	5		50,000
74	M. E. Tremble	658	do	do	1.45		do	6.45		2	5		25,000
75	Winslow	801	do	Aug. 5		1.20	do	6.30			17	10	45,000
76	New Orleans	1,170	do	Aug. 4	5.10		do	8.05		2	2	55	85,000
77	Mecosta	1,418	do	do	5.20		do	8.10		2	2	50	115,000
78	Mary Virginia	16	do										

81	H. H. Brown	793	do	do	5.50		do	10.05		2	4	15	28,000
82	E. P. Sawyer	21	do	Aug. 6	7.50		do	10.06			2	16	6,000
83	D. M. Wilson	592	do	Aug. 4	6.00		do	11.40		2	5	40	15,000
84	Manitowoc	479	do	do	6.00		do	11.40		2	5	40	16,000
85	Olympia	1,723	do	do	6.20		do	11.45		2	5	25	120,000
86	O. W. Cheney	21	do										6,500
87	J. E. Potts	453	do	Aug. 4	6.30		Aug. 6		1.25	2	6	55	28,000
88	Keweenaw	469	do	do	6.30		do		1.25	2	6	55	11,000
89	Montana	1,383	do	do	9.00		do		1.30	2	4	30	63,000
90	Kate Buttironi	693	do	do	9.00		do		3.15	2	6	15	45,000
91	Joseph Paige	595	do	do	9.00		do		3.15	2	6	15	22,000
92	Cuba	1,360	do	do	11.30		do		3.05	2	3	35	90,000
93	John Hickler	12	do	Aug. 6		1.20	do		3.05		2	45	3,000
94	Saml. Mather	1,287	do	Aug. 4		7.30	do		4.25	1	20	55	110,000
95	Campana	1,167	do	do		2.10	do		4.40	2	2	30	110,000
96	W. H. Seymour	26	do	Aug. 6	5.30		do		4.25		10	55	4,000
97	Arthur	13	do	Aug. 4		5.30	do		6.15	2		45	2,500
98	Thos H. Howland	284	do	do		5.30	do		6.15	2		45	8,500
99	John Mitchell	1,491	do	do		9.15	do		6.25	1	21	10	120,000
100	Mary Virginia	16	do										6,000
101	Majestic	1,610	do	Aug. 4		11.00	Aug. 6		7.30	1	20	30	140,000
102	North Star	1,885	do	Aug. 6	3.30		do		7.40		16	10	225,000
103	North Wind	1,885	do	do	4.40		do		9.15		16	35	225,000
104	Oceanica	1,241	do	do	9.25		do		9.20		11	55	93,000
105	International	101	do	do		1.50	do		9.21		7	31	10,000
106	Sitka	1,228	do	do	8.35		do		9.21		12	46	105,000
107	No. 103	1,133	do	do	8.35		do		9.21		12	46	80,000
108	P. H. Birkhead	414	Aug. 7	do	9.10		Aug. 7	4.40			19	30	28,000
109	C. B. Jones	470	do	do	9.10		do	4.40			19	30	13,000
110	Constitution, No. 2	402	do	do	9.10		do	4.40			19	30	10,000
111	Forest City	994	do	do	10.00		do	3.15			17	15	50,000
112	Wm. McGregor	696	do	do	10.00		do	3.15			17	15	27,000
113	A. J. Smith	168	do	do		2.50	do	3.15			12	25	14,000
114	J. F. Card	263	do	do		6.25	do	3.15			8	50	5,500
115	R. P. Ranney	1,170	do	do	10.00		do	5.25			19	25	90,000
116	John Martin	891	do	do	10.00		do	5.25			19	25	35,000
117	J. S. Ruby	89	do	do		9.05	do	5.30			8	25	8,500
118	S. J. Macy	613	do	do		7.00	do	6.55			11	55	55,000
119	Camden	659	do	do		7.00	do	6.55			11	55	24,000
120	Golden Fleece	429	do	do		8.00	do	6.55			10	55	14,000
121	Columbia	1,053	do	do		9.40	do	8.15			10	35	80,000
122	Comrade	880	do	do		9.40	do	8.15			10	35	35,000
	Total	104,510								231	9	54	7,962,500

BOUND UP.

1	J. S. Ruby	89	Aug. 4	July 31		7.00	Aug. 4	9.20		3	14	20	8,500
2	Mentor	257	do	Aug. 4	8.32								10,000
3	Alberta	1,552	do	July 31		3.10	Aug. 4	9.05		3	7	55	200,000
4	R. P. Ranney	1,170	do	do		3.45	do	10.50		3	19	5	90,000
5	John Martin	891	do	do		3.45	do	10.50		3	19	5	35,000

Statistics of commerce delayed by accident of July 31, 1890, to north emptying valve, St. Mary's Falls Canal lock—Continued.

No.	Name of vessels.	Registered tonnage.	Date of passage.	Time delay commenced.			Time delay ended.			Total time of delay.			Value of vessel.
				Date.	A. M.	P. M.	Date.	A. M.	P. M.	Days.	Hours.	Min.	
	BOUND UP—continued.												
6	Northern King	1,885	Aug. 4	July 31		6.20	Aug. 4		12.20	3	18		$225,000
7	Forest City	994	do	do		9.40	do		12.25	3	15	45	50,000
8	Wm. McGregor	696	do	do		9.40	do		12.25	3	15	25	27,000
9	Aurora	1,860	do	Aug. 1	7.00		do		1.45	3	6	45	140,000
10	Oceanica	1,241	do	do	8.00		do		1.45	3	5	45	93,000
11	City of Marquette	296	do	Aug. 4	11.40		do		1.45		2	5	10,000
12	Mariska	1,835	do	Aug. 1	8.20		do		3.25	3	7	5	200,000
13	Escanaba	918	do	do	8.55		do		3.20	3	6	25	63,000
14	Jay Gould	837	do	Aug. 2	8.45		do		3.20	2	6	35	60,000
15	F. L. Vance	1,444	do	Aug. 1		1.00	do		4.45	3	3	45	115,000
16	S. J. Macy	613	do	do	9.00		do		4.40	3	7	40	55,000
17	Camden	639	do	do	9.00		do		4.40	3	7	40	24,000
18	Columbia	1,053	do	do	9.55		do		6.25	3	8	30	80,000
19	Comrade	880	do	do	9.55		do		6.25	3	8	30	35,000
20	Idaho	907	do	Aug. 2		2.20	do		6.25	2	4	5	40,000
21	E. P. Sawyer	21	do	Aug. 4		5.45	do		7.00		1	15	8,000
22	H. B. Tuttle	695	do	Aug. 1	10.20		do		7.50	3	9	30	40,000
23	Queen City	642	do	do	10.20		do		7.50	3	9	30	25,000
24	Fountain City	805	do	Aug. 3		5.30	do		7.50	1	2	20	30,000
25	C. J. Kershaw	1,109	do	Aug. 1		6.10	do		9.20	3	3	10	45,000
26	Moonlight	738	do	do		6.10	do		9.20	3	3	10	28,000
27	Ironton	742	do	do		6.10	do		9.20	3	3	10	26,000
28	Leland	318	do	do	7.30		Aug. 5	12.15		3	16	45	25,000
29	Frank Perew	498	do	do	7.30		do	12.15		3	16	45	16,000
30	Columbian	338	do	do	7.30		do	12.15		3	16	45	7,000
31	W. H. Seymour	26	do	Aug. 4		1.30	do	12.25			11	55	5,000
32	Clinton Geo	318	do	do		1.30	do	12.25			11	55	5,000
33	R. P. Fitzgerald	1,175	Aug. 5	Aug. 2	6.15		do	2.15		2	20		105,000
34	Monohansette	450	do	do	5.00		do	2.10		2	21	10	33,000
35	Massasoit	800	do	do	5.00		do	2.10		2	21	10	25,000
36	Kittie M. Forbes	775	do	do	6.20		do	6.10		2	23	50	60,000
37	Olive Jeanette	1,208	do	do	6.20		do	6.10		2	23	50	90,000
38	Mary Virginia	16	do										6,000
39	Australasia	1,539	do	Aug. 2	7.50		Aug. 5	6.25		2	22	35	110,000
40	Tasmania	931	do	do	7.50		do	6.25		2	22	35	50,000
41	Saml. F. Hodge	466	do	Aug. 4	7.15		do	6.25			23	10	45,000
42	James Pickands	1,319	do	Aug. 2	9.00		do	8.00		2	23		110,000
43	Fayette Brown, No. 2	1,510	do	do	10.00		do	8.02		2	22	2	150,000

46	Iron Duke	962	do	Aug. 2	9.15		do	9.30		3		15	83,000
47	Iron Cliff	1,078	do	do	9.15		do	9.30		3		15	48,000
48	Nyack	1,025	do	Aug. 4	7.00		do	9.35		1	2	35	75,000
49	Caledonia	1,469	do	Aug. 2	9.40		do		12.10	3	2	30	130,000
50	North West	967	do	do	9.40		do		12.10	3	2	30	42,000
51	Toledo	668	do	Aug. 5	7.00		do		12.12		5	12	35,000
52	Pasadena	1,468	do	Aug. 2		6.25	do		2.10	2	19	45	110,000
53	Josephine	617	do	do	11.30		do		2.05	3	2	35	50,000
54	Thos. L. Parker	597	do	do	11.30		do		2.05	3	2	35	30,000
55	Mariel	18	Aug. 5	Aug. 5		12.40	Aug. 5		2.00		1	20	5,500
56	Mary Virginia	16	do										6,000
57	Robt. L. Fryer	1,451	do	Aug. 2		6.25	Aug. 5		3.15	2	20	50	120,000
58	John V. Moran	1,035	do	Aug. 4	8.10		do		3.15	1	7	05	90,000
59	S. R. Kirby	1,823	do	Aug. 3	6.20		do		4.25	2	10	05	187,000
60	Erin	317	do	do	11.00		do		4.45	2	5	45	31,000
61	Maggie	266	do	do	11.00		do		4.45	2	5	45	8,000
62	General Weitzel	22	do	Aug. 5	3.30		do		4.45		13	15	2,500
63	Scow		do	do	3.30		do		4.45		13	15	
64	John Harper	1,632	do	Aug. 3	7.10		do		5.45	2	10	35	150,000
65	Robt. Mills	1,522	do	do	8.50		do		5.50	2	9	00	125,000
66	Annie Clark	50	do	Aug. 5		4.50	Aug. 6	5.30			12	40	6,000
67	Neshoto	1,905	do	Aug. 3	10.00		Aug. 5		7.15	2	9	15	140,000
68	City of Fremont	558	do	Aug. 5	10.35		do		7.20		8	45	30,000
69	William H. Barnum	1,059	do	Aug. 4	11.45		do		7.40	1	7	55	43,000
70	Geo. G. Hadley	1,057	do	Aug. 3	10.30		do		9.00	2	10	30	145,000
71	Fedora	1,477	do	do	12.20		do		9.25	2	21	05	125,000
72	Jim Sheriffs	768	do	do		12.30	do		10.40	2	10	10	58,000
73	George	751	do	do		12.30	do		10.40	2	10	10	30,000
74	Peerless	913	do	Aug. 5	7.50		do		10.45		14	55	60,000
75	Mary Virginia	16	do										6,000
76	J. C. Lockwood	1,901	do	Aug. 3		12.35	do		11.00	2	10	25	140,000
77	Celtic	440	do	Aug. 5	7.10		do		11.05		15	55	18,000
78	F. E. Spinner	778	do	Aug. 3		2.45	Aug. 6	1.00		2	10	15	50,000
79	Jeremiah Godfrey	625	do	do		2.45	do	1.00		2	10	15	26,000
80	Shawnee	543	do	do		2.45	do	1.00		2	10	15	18,000
81	Minneapolis	950	Aug. 6	Aug. 4	11.35		do		2.50	2	3	15	58,000
82	Red Wing	687	do	do	11.35		do		2.50	2	3	15	26,000
83	San Diego	769	do	do	11.35		do		2.50	2	3	15	28,000
84	A. J. Smith	168	do	Aug. 6		1.00	do		2.50		1	50	14,000
85	C. W. Elphicke	1,703	do	Aug. 4		3.50	do		4.00	2		10	130,000
86	Northern Queen	1,885	do	Aug. 5	7.25		do		4.10	1	8	45	225,000
87	Yakima	1,658	do	Aug. 4		4.50	do		6.00	2	1	10	115,000
88	No. 102	1,136	do	do		4.50	do		6.00	2	1	10	80,000
89	O. W. Cheney	21	do										6,500
90	John Hickler	12	do	Aug. 6		4.25	do		6.00		1	35	3,000
91	John Owen	1,609	do	Aug. 5	6.00		do		7.05	1	13	05	175,000
92	Colonial	1,189	do	do	11.10		do		7.05	1	7	55	85,000
93	W. R. Stafford	546	do	do	10.00		do		9.05	1	11	05	60,000
94	J. A. Francomb	626	do	do	10.00		do		9.05	1	11	05	45,000
95	Continental	1,188	do	do	11.15		do		9.05	1	9	50	85,000
96	St. Paul	525	do	do	11.20		do		10.55	1	11	35	45,000
97	Scotia	859	do	do	11.20		do		10.55	1	11	35	27,000

Statistics of commerce delayed by accident of July 31, 1890, *to north emptying valve, St. Mary's Falls Canal lock*—Continued.

No.	Name of vessels.	Registered tonnage.	Date of passage.	Time delay commenced.			Time delay ended.			Total time of delay.			Value of vessel.
				Date.	A. M.	P. M.	Date.	A. M.	P. M.	Days.	Hours.	Min.	
	BOUND UP—continued.												
98	Constitution	48	Aug. 6	Aug. 5	11.40	.....	Aug. 6	.....	11.05	1	11	25	$8,500
99	C. P. Minch	388	....do	....do	11.40	.....	....do	.....	11.05	1	11	25	16,000
100	Tom Adams	1,451	....do	....do	.....	12.55	Aug. 7	1.05	.....	1	12	10	120,000
101	Matoa	1,836	....do	....do	.....	1.00	....do	1.10	.....	1	12	10	200,000
102	Nyanza	1,512	....do	Aug. 3	.....	7.00	Aug. 6	3.00	.....	2	8	.....	130,000
103	Algonquin	1,172	....do	Aug. 4	11.50	.....	....do	3.05	.....	1	15	15	128,000
104	Havanna	872	....do	....do	6.30	.....	....do	5.00	.....	1	22	30	58,000
105	Helena	821	....do	....do	6.30	.....	....do	5.00	.....	1	22	30	30,000
106	M. M. Drake	949	....do	....do	.....	7.00	....do	5.00	.....	1	22	.....	60,000
107	William Edwards	975	....do	....do	7.30	.....	....do	7.55	.....	2	.....	25	65,000
108	Golden Age	1,764	....do	....do	7.30	.....	....do	7.55	.....	2	.....	25	70,000
109	Canada	408	....do	Aug. 6	4.50	.....	....do	6.15	.....	.....	1	25	25,000
110	Mary Virginia	16	....do	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,000
111	Charles Foster	948	....do	Aug. 4	7.30	.....	Aug. 6	7.55	.....	2	.....	25	37,000
112	Livingstone	1,622	....do	....do	7.10	.....	....do	7.55	.....	2	.....	45	175,000
113	W. H. Gratwick	1,175	....do	....do	8.00	.....	....do	9.30	.....	2	1	30	105,000
114	Josephine No. 2	280	....do	....do	8.00	.....	....do	9.30	.....	2	1	30	5,000
115	S. E. Peck	1,180	....do	....do	.....	3.55	....do	9.30	.....	1	17	35	100,000
116	International	101	....do	Aug. 6	8.15	.....	....do	10.35	.....	.....	2	20	10,000
117	A. Everlit	879	....do	Aug. 4	8.30	.....	....do	11.00	.....	2	2	30	65,000
118	Sophia Minch	604	....do	....do	8.30	.....	....do	11.00	.....	2	2	30	24,000
119	Mary Virginia	16	....do	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,000
120	No. 101	438	....do	Aug. 4	.....	4.50	Aug. 6	.....	6.00	2	1	10	40,000
121	Scow U. S	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
122	America	1,748	....do	Aug. 4	8.35	.....	Aug. 6	.....	12.35	2	4	.....	160,000
123	J. H. Shrigley	360	....do	....do	.....	7.00	....do	.....	12.55	1	17	55	30,000
124	John Sherman	306	....do	....do	.....	7.00	....do	.....	12.55	1	17	55	4,500
125	Guiding Star	365	....do	....do	.....	7.00	....do	.....	12.55	1	17	55	6,000
126	S. C. Baldwin	356	Aug. 7	Aug. 5	.....	1.20	Aug. 7	2.30	.....	1	13	10	34,000
127	Grace Whitney	275	....do	....do	.....	1.20	....do	2.30	.....	1	13	10	6,500
128	India (Sch.)	300	....do	....do	.....	1.20	....do	2.30	.....	1	13	10	6,500
129	Dashing Wave	256	....do	....do	.....	1.20	....do	2.30	.....	1	13	10	5,500
130	E. B. Hale	928	....do	Aug. 6	6.15	.....	....do	4.25	.....	.....	22	10	63,000
131	A. Bradley	900	....do	....do	6.15	.....	....do	4.25	.....	.....	22	10	28,000
132	S. H. Kimball	303	....do	....do	6.15	.....	....do	4.25	.....	.....	22	10	8,000
133	B. W. Arnold	674	....do	....do	6.25	.....	....do	6.30	.....	1	.....	5	65,000
134	Checotah	598	....do	....do	6.25	.....	....do	6.30	.....	1	.....	5	28,000
135	George King	381	....do	....do	9.50	.....	....do	6.40	.....	.....	20	50	35,000
136	Teutonia	565	....do	....do	9.50	.....	....do	6.40	.....	.....	20	50	23,000
137	[illegible]	492	....do	....do	10.20	.....	....do	7.40	.....	.....	[illegible]	[illegible]	[illegible]

138	Specular	1,439	do	do		2.35	do	7.35			17		90,000
139	Ogemaw	833	do	do	10.30		do	9.25			22	55	45,000
140	S. J. Tilden	582	do	do	10.30		do	9.25			22	55	23,000
141	A. C. Maxwell	446	do	do	10.30		do	9.25			22	55	20,000
142	Argonaut	965	do	do		4.45	do	9.25			16	40	55,000
142	Total	116,443								268	4	2	8,526,500

SUMMARY.

Greatest number of vessels present at one time	182
Total number of vessels delayed	264
Number of passengers delayed	1,362
Registered tonnage delayed	220,953
Freight tonnage delayed	248,484
Total delay of vessels	499 days 13 hours 56 minutes.
Time that each vessel would have occupied in passing canal under ordinary circumstances	4 hours 45 minutes.
Time that 264 vessels would have consumed under ordinary circumstances (264 × 4 hours 45 minutes)	52 days 6 hours 00 minutes.
Total delay caused by break	447 days 7 hours 56 minutes.
Average detention of each vessel	40 hours 40 minutes.
Locking suspended	88 hours.
Continuous locking after resuming	90 hours.
Value of vessels delayed	$16,489,000
Value of cargoes delayed	2,525,550
Total value delayed	19,014,550

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51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 208.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate from the Secretary of the Interior for an appropriation of $5,000 for protection and improvement of Hot Springs, Ark.

AUGUST 13, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
August 11, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 9th instant, submitting an estimate of appropriation in the sum of $5,000 for protection and improvement of Hot Springs, Ark.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, August 9, 1890.

SIR: I have the honor to transmit herewith for favorable consideration by Congress the following estimate, amounting to $5,000 for material, labor, etc., necessary to the completion of the pumping station in process of construction on the Hot Springs Reservation. The appropriation of $31,000, sundry civil act of October 2, 1888, for providing a system of reservoirs, pumps, and piping, and for other purposes, necessary to the collection and economical distribution of the hot water on the Hot Springs Reservation at Hot Springs, Ark., is entirely inadequate for such purpose. Existing contracts for pumping-engines and boilers, erection of engine-house, and impounding reservoirs, excavation, furnishing of pipes, together with extra work resulting from necessary changes in plans will absorb the available balance of $29,934.75, leaving the Department without funds to provide for laying of mains, providing of foundations for engines, and other expenses incidental to the prosecution of the work not included in the contracts.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1
by the Department of the Interior.

Detailed objects of expenditure, and explanations.	Total amount to be appropriated under each head of appropriation.	Amou appropri for th fiscal yea which t appropria is requir
Protection and improvement of Hot Springs, Ark. (pumping station): For laying of mains, purchase of pipe and valves, providing foundations, for pumping-engines, expense of superintendence of construction of work, and other expenses incidental thereto (October 2, 1888)	$5,000.00	$31,00

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 209.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A copy of the opinion of the First Comptroller in the claim of Daniel J. Snow for compensation for the collection of certain moneys on a judgment in favor of the United States.

AUGUST 14, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., August 13, 1890.

SIR: As requested by the attorney for Daniel J. Snow, I have the honor to transmit herewith a copy of the opinion of the First Comptroller, dated February 21, 1889, in that case, referred to in Department letter of April 10, 1890, to the President of the Senate.

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE,
Washington, D. C.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 21, 1889.

SIR: I have examined the papers in the case of Daniel J. Snow, asking for the payment of $808.80, being one-half of the amount obtained from the sale of certain lands, which amount seems to have been turned into the Treasury of the United States. You refer the papers to me for my opinion.

By an indorsement upon the report of the Solicitor of the Treasury to the Secretary of the Treasury, it appears that the allowance was made "provided the First Comptroller shall determine that the same can be legally paid;" and it is further suggested, "if payable, the case comes within the appropriation made by section 12 of the act of July 23, 1866, as transferred to the Revised Statutes in section 3689."

I am clearly of opinion that, if payable, it can not be paid in the manner as suggested by the honorable Secretary of the Treasury.

Section 3689 covers all of what is properly denominated perma
appropriations; and I do not see that matters of this sort are prov
for under any particular head in said section. So that, if the c
were allowed to Mr. Snow, some other provision must be made fo
payment.

I find that, in the opinion of the Solicitor, the contract to allow
per cent. of whatever should be recovered from the sale of the la
referred to and turned into the Treasury, was, at the time it was ma
legal. This opinion, as a matter of course, has great weight with
in determining this question, and I am inclined to concur therein
any rate, upon the general merits of the case. But, I am of opinion
indicated above, that the claim of Mr. Snow will have to be reporte
Congress for an appropriation.

The papers in the case are herewith returned.

Respectfully yours,

M. J. DURHAM,
Comptroller

The FIRST AUDITOR.

[Senate Ex. Doc. No. 102, Fifty-first Congress, first session.]

Letter from the Acting Secretary of the Treasury, transmitting a copy of Department let of February 28, 1889, recommending the payment of a claim of Daniel J. Snow $808.80.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 10, 1890.

SIR: In accordance with a request made in behalf of Daniel J. Snow, the inclos copy of Department letter of February 28, 1889, signed by Hugh S. Thompson, Acti Secretary, recommending an appropriation of $808.80 for Mr. Snow, is transmitted you for the information of the Senate.

It is presumed that the letter of the Solicitor of the Treasury, dated January 1889, referred to in said letter, can be found in the files of the Senate. If not, a co can be furnished on request.

I may add that it appears from a record in this office that a copy of the inclos letter was sent to Senator Allison, chairman of the Committee on Appropriations, the same time (February 28, 1889).

It is evident from the papers on file in this Department that the conclusion reach in the Secretary's office in this matter was based upon the favorable report and opini of the Solicitor of the Treasury and the First Comptroller.

Respectfully, yours,

GEO. S. BATCHELLER,
Acting Secretary

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 28, 1889.

SIR: I have the honor to represent that the sum of $808.80 is ascertained to be d to Daniel J. Snow, under a contract with the Secretary of the Treasury for collecti of moneys on a judgment in favor of the United States against one William Linn, which there is no appropriation available.

For a statement of the facts in relation to the case, reference is made to the acco panying letter of the Solicitor of the Treasury, dated January 15, 1889.

I respectfully recommend that an appropriation be made for the payment of t claim.

Respectfully, yours,

HUGH S. THOMPSON,
Acting Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

O

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 210.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Estimates of appropriations required for the various Departments of the Government for the year ended June 30, 1890, and for postal service payable from postal revenues.

AUGUST 15, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
August 15, 1890.

SIR: I have the honor to transmit herewith estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ended June 30, 1890, and for prior years, amounting to $61,873.04, and for the postal service, payable from postal revenues, amounting to $78,286.28.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The PRESIDENT OF THE SENATE.

Estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1890, and for prior years.

Detailed objects of expenditure, and explanations.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required.
STATE DEPARTMENT.		
FOREIGN INTERCOURSE.		
Contingent expenses United States consulates—		
To pay amounts found due by the accounting officers on account of contingent expenses of United States consulates for the fiscal year 1889 (July 11, 1888, vol. 25, p. 255, sec. 1)	$775.04	$150,000.00
NOTE.—Of this sum $766.60 is required to cover consular fees into the Treasury, involving the payment of no money from the Treasury.		
Loss by exchange, Consular Service:		
To pay amounts found due by the accounting officers on account of loss by exchange, for the fiscal year 1889 (July 11, 1888, vol. 25, p. 255, sec. 1)	20.44	4,000.00
NOTE.—Of this sum $3.10 is required to cover consular fees into the Treasury, involving the payment of no money from the Treasury.		
Total State Department	795.48	154,000.00

Estimates of appropriations required by the various Departments to complete the servic the fiscal year ending June 30, 1890, and prior years—Continued.

Detailed objects of expenditure, and explanations.		Total amount to be appropriated under each head of appropriation	Amoun appropria for the fiscal ye which th appropriat is requir
TREASURY DEPARTMENT			
INDEPENDENT TREASURY.			
Contingent expenses, Independent Treasury: To pay amounts found due by the accounting officers on account of contingent expenses of the Independent Treasury for the fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 518, sec. 1)		$9.83	$70,000
LIGHT-HOUSE ESTABLISHMENT.			
Salaries of keepers of light-houses: To pay amounts found due by the accounting officers on account of salaries of keepers of light-houses for the fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 512, sec. 1)		240.00	585,000
Lighting of rivers: To pay amounts found due by the accounting officers on account of lighting of rivers for the fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 512, sec. 1)		119.63	250,000
Total Light-House Establishment		359.63	835,000
Total Treasury Department		369.46	905,000
NAVY DEPARTMENT.			
NAVAL ESTABLISHMENT.			
Pay of the Navy: To pay amounts found due by the accounting officers on account of difference of pay, and other claims, being for the service of the fiscal year 1889 (Sept. 7, 1888, vol. 25, p. 458, sec. 1)		2,836.84	7,082,40
Pay, miscellaneous: To pay amounts found due by the accounting officers on account of mileage and traveling expenses of officers traveling under orders, etc., being for the service of the fiscal year 1889 (Sept. 7, 1888, vol. 25, pp. 458, 459, sec. 1)		93.53	215,00
Bureau of Provisions and Clothing, provisions, Navy: To pay amounts found due by the accounting officers for commutation of rations, being for the fiscal year 1889 (Sept. 7, 1888, vol. 25, p. 465, sec. 1)		40.50	1,066,00
Total Navy Department		2,970.87	8,363,40
UNDER THE POST-OFFICE DEPARTMENT, OUT OF THE POSTAL REVENUES.			
POSTAL SERVICE.			
Inland mail transportation, railroad: Tennessee Midland Rwy. Co., route 19027, Tenn. (July 24, 1888, vol. 25, p. 345, sec. 2): For transportation from July 23, 1888, to June 30, 1889	$3,958.92		
$598.28 per quarter more from May 27, 1889, per order 1239 of January 25, 1890	230.11	4,189.03	
Charleston, Cincinnati and Chicago R. R. Co., route 14027, S. C. (July 24, 1888): For transportation from July 1, 1888, to June 30, 1889	2,093.68		
$301.43 per quarter more from November 5, 1888, per order 1285 of January 27, 1890	789.62		
$1,065.76 per quarter more from February 25, 1889, per order 1285 of January 27, 1890	1,480.22	4,363.52	
Louisville, St. Louis and Texas Rwy. Co., route 20040, Ky. (July 24, 1888). For transportation from January 7 to June 30, 1889	3,340.10		
$533.27 per quarter more from February 18, 1889, per order 1283 of January 27, 1890	782.13	4,122.23	
Fort Worth and Denver City Rwy. Co., route 31037, Tex. (July 24, 1888): $9,947.55 per quarter more from July 1, 1888, to June 30, 1889, per order 8511 of May 21, 1890		39,790.20	

Estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1890, and prior years—Continued.

Detailed objects of expenditure, and explanations.		Total amount to be appropriated under each head of appropriation	Amount appropriated for the fiscal year which the appropriation is required.
UNDER THE POST-OFFICE DEPARTMENT, OUT OF THE POSTAL REVENUES—Continued.			
POSTAL SERVICE—continued.			
Lake Shore and Michigan Southern Rwy. Co., route 21095, Ohio (July 24, 1888):			
For remission of deduction in second quarter, 1889, per order of June 18, 1890	$525.17		
For remission of deduction in second quarter, 1889, per order of July 30, 1890	87.53	$612.70	
Union Pacific, Denver and Gulf Rwy. Co., route 31065, Tex. (July 24, 1888):			
Transportation from July 1, 1888, to June 30, 1889, per order 13070 of June 28, 1890		18,383.96	
San Francisco and North Pacific Rwy. Co., route 46011, Cal. (July 24, 1888):			
$950.33 per quarter more from June 7 to 30, 1889, per order 13175 of June 30, 1890		250.64	
Central R. R. and Banking Co., route 15012, Ga. (July 24, 1888):			
For remission of deduction in fourth quarter, 1888, per order of August 9, 1890		16.57	
Louisville and Nashville R. R. Co., route 17012, Ala. (July 24, 1888):			
For remission of deduction in second quarter, 1889, per order of Aug. 9, 1890		60.75	
Kentucky and South Atlantic R. R. Co., route 20022, Ky. (July 24, 1888):			
$7.91 per quarter more from April 16 to June 30, 1889, per order 3489 of March 11, 1890		6.61	
Columbus, Findlay and Northern Rwy. Co., route 21050, Ohio (July 24, 1888):			
For transportation from July 1, 1888, to June 30, 1889, at $108.69 per quarter	$434.76		
$101.42 per quarter more from October 8, 1888, per order 5249 of May 1, 1889	296.54	731.30	
Bowling Green and Toledo R. R. Co., route 21070, Ohio (July 24, 1888):			
For transportation from July 1, 1888, to June 30, 1889		285.44	
Kildare and Linden R. R. Co., route 31069, Tex. (July 24, 1888):			
For transportation from April 1 to June 30, 1889		141.71	
Kansas City, St. Joseph and Council Bluffs R. R. Co., route 28006, Mo. (July 24, 1888):			
For remission of deduction in second quarter, 1889, per order of August 12, 1890		98.48	
Pennsylvania R. R. Co., routes 7042 and 8001, Pa. (July 24, 1888):			
For remission of deductions in third quarter, 1888, and second quarter, 1889, per orders of March 27 and August 11, 1890		1,986.79	
Buffalo, New York and Philadelphia R. R. Co., routes 6058 and 6061, N. Y. (July 24, 1888):			
For remission of deductions in second quarter, 1889, per orders of June 20 and 21, 1890		87.72	
New York Central and Hudson River R. R. Co., route 6011, N. Y. (July 24, 1888):			
For remission of deductions in first and second quarters, 1889, per orders of June 26 and 27 and July 26, 1890		2,738.74	
New York, Lake Erie and Western R. R. Co., route 6001, N. Y. (July 24, 1888):			
For remission of deductions in second quarter, 1889, per order of June 18, 1890		469.89	
Total postal service, payable from postal revenues		78,286.28	$17,000,000.00
DEPARTMENT OF AGRICULTURE.			
Contingent expenses, Department of Agriculture:			
To pay amounts found due by the accounting officers on account of contingent expenses Department of Agriculture for the fiscal year 1889 (July 18, 1888, vol. 25, pp. 333, 334, sec. 1)		42.85	15,000.00
Investigating the history and habits of insects:			
To pay amounts found due by the accounting officers on account of investigating the history and habits of insects for the fiscal year 1889 (July 18, 1888, vol. 25, p. 331, sec. 1)		61.03	20,000.00
Total Department of Agriculture		103.88	35,000.00

Estimates of appropriations required by the various Departments, etc.—Continued

Detailed objects of expenditure, and explanations.	Total amount to be appropriated under each head of appropriation.	Amou appropri for th fiscal yea which t appropria is requi
DEPARTMENT OF JUSTICE.		
EXPENSES OF UNITED STATES COURTS.		
To pay amounts found due by the accounting officers for expenses of United States courts, as follows:		
Fees and expenses of marshals, United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545 sec. 1)	$18,040.45	$675,00
Fees of district attorneys, United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	610.79	225,00
Special compensation, district attorneys United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	2,985.88	5,00
Pay of special assistant, United States attorneys, United States courts fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	16,591.18	20,00
Pay of special assistant United States attorneys, United States courts, fiscal year 1890 (March 2, 1889, vol. 25, p. 977, sec. 1)	6,043.01	20,00
Fees of clerks United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	64.60	175,00
Fees of commissioners, United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	658.80	100,00
Fees of witnesses, United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	1,672.58	900,00
Support of prisoners, United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 25, p. 545, sec. 1)	6,416.06	300,00
Pay of bailiffs, etc., United States courts, fiscal year 1889 (Oct. 2, 1888, vol. 24, p. 545, sec. 1)	101.70	135,60
Miscellaneous expenses, United States courts, fiscal year 1890 (Mar. 2, 1889, vol. 25, p. 978, sec. 1)	2,601.44	140,00
Expenses, United States court, Indian Territory, fiscal year 1889 (Mar. 2, 1889, vol. 25, 925, sec. 1)	2,446.86	5,30
Total Department of Justice	57,633.35	2,700,90
RECAPITULATION.		
State Department	795.48	154,00
Treasury Department	369.46	905,00
Navy Department	2,970.87	8,363,40
Post-Office Department (from postal revenues, $78,286.28)		
Department of Agriculture	103.88	35,00
Department of Justice	57,633.35	2,700,9
Total	61,873.04	12,158,3

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 211.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING,

In answer to a resolution of 11th instant, schedule of claims allowed by Treasury officers under appropriations the balances of which have been exhausted or carried to the surplus fund.

AUGUST 15, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
August 14, 1890.

SIR: In compliance with Senate resolution of the 11th instant, I have the honor to transmit herewith schedules of claims allowed by the several accounting officers of the Treasury Department under the appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874 (18 Stat., p. 110), aggregating $949,841.11.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The PRESIDENT OF THE SENATE.

Reported by the First Comptroller, under section 2, act of July 7, 1884 (23 Stat., p.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Am
	DEPARTMENT OF STATE.			
	FOREIGN INTERCOURSE.			
147515	T. O. Osborne, minister and consul-general, Argentine Republic.	Salaries of ministers (certified claims).	1885	$7
147637	John Baker, minister, Venezuela	do	1886	
	Total			8
148747	Thomas M. Dawson, consul, Apia	Contingent expenses, foreign missions (certified claims).	1880	1
147516	T. O. Osborn, minister and consul-general, Argentine Republic.	do	1885	1
147636	John Baker, minister, Venezuela	do	1885	
147558	H. R. Jackson, minister, Mexico	do	1886	1
	Total			19
147644	Julius Stahel, consul, Osaka and Hiogo	Salaries, consular service (certified claims).	1884	
147610	J. C. Landreau, consul, Santiago de Cuba	do	1886	$
147643	J. A. Leonard, consul-general, Calcutta	do	1885	1
147703	John Bigelow, consul, Paris	do	*1865	42
	Total			43
147954	E. D. Linn, consul, Piedras Negras	Lost by exchange of consular service (certified claims).	1886	
148811	C. M. Wood, vice-consul-general, Rome	do	1886	4
	Total			4
148541	C. Denby, minister, China	Buildings and grounds for legation in China, (certified claims).	1888	13
148713	Thomas M. Dawson, consul, Apia	Contingent expenses U. S. consulates (certified claims).	1879	13
147652	William Schuchardt, vice-consul, Piedras Negras.	do	1882	
147594	A. J. Delleyk, vice-commercial agent, St. Galle.	do	1884	
147653	M. J. Quintero, vice-commercial agent, San Juan de los Remedios.	do	1884	
147655	B. S. Parker, consul, Sherbrooke	do	1885	
147654	M. J. Quintero, vice-commercial agent, San Juan de los Remedios.	do	1885	
147551	M. A. Ledet, consul, Tuxpan	do	1885	
145958	Edward Howard, commercial agent, Hull	do	1885	6
147593	A. J. De Zeyk, vice-consul, Turin	do	1885	4
147658	E. G. Van Riper, consul, Moscow	do	1886	
147567	J. V. R. Swann, vice-consul-general, St. Petersburg.	do	1886	1
147587	C. C. Andrews, consul-general, Rio de Janeiro.	do	1886	11
148315	John Schroeder, consul, San José, Costa Rica.	do	1887	1
	Total			41
147821	L. R. Hale, master bark *Katie Williams*	Relief and protection of American seamen (certified claims).	1878	1
148460	William A. Brown, consul, San Juan del Norte.	do	1888	21
	Total			2

* Final settlement of this account was delayed until May, 1890, by reason of certain papers and v ers showing payment made by Mr Bigelow on account of the estate of Joseph A. Binda, deceased, ing been lost in this Department, after the receipt thereof in November, 1866.

Reported by the First Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	DEPARTMENT OF STATE—Cont'd.			
	FOREIGN INTERCOURSE—continued.			
148734	B. D. Manton, consul, Colonia	Pay of consular officers for services to American vessels and seamen (certified claim).	1888	$21.58
	Total Department of State			2,275.04
	TREASURY DEPARTMENT.			
273855	Heirs of Peter Lammond	Salaries, office of Third Auditor (certified claim).	1869	362.88
	INTERNAL REVENUE.			
56632	Bischoffsheim & Goldschmidt	Refunding taxes illegally collected (certified claims).	1863–1866	36.05
56632	Banque de credit et de depot des Pays	do	1863–1866	9,035.36
56632	Levy Behrens & Söhne	do	1863–1866	5.25
56632	G. von Baur	do	1863–1866	25.20
56632	Jonas Cahn	do	1863–1866	37.45
56632	Deichmann & Co	do	1863–1866	44.10
56632	D. Fleck & Scheuer	do	1863–1866	16.78
56632	F. E. Fuld & Co	do	1863–1866	68.58
56632	Goldschmidt & Co	do	1863–1866	5.95
56632	B. H. Goldschmidt	do	1863–1866	158.20
56632	Carl Goldenberg	do	1863–1866	12.60
56632	H. L. Hohenemser & Söhne	do	1863–1866	36.40
56632	L. A. Hahn	do	1863–1866	1,438.04
56632	Berlin Hymans	do	1863–1866	192.26
56632	J. M. Jacobson	do	1863–1866	212.99
56632	M. Koingswater	do	1863–1866	57.34
56662	Franz Langenberger	do	1863–1866	103.78
56632	Alexander Oppenheim	do	1863–1866	2.80
56632	Providentia Insurance Company	do	1863–1866	2.10
56632	Rotterdamsche Bank	do	1863–1866	63.25
56632	Stern Bros	do	1863–1866	93.72
56632	L. von Steiger & Co	do	1863–1866	4.03
56632	J. T. C. Vles	do	1863–1866	9.30
56632	Ed. Wolf	do	1863–1866	6.30
56632	H. B. Abegg	do	1863–1866	170.97
56632	Alstorphius & von Hemert	do	1863–1866	826.70
56632	Baron Jules Blanc	do	1863–1866	115.50
56632	Widio W. Borski	do	1863–1866	4.50
56632	Moritz Budge	do	1836–1866	2.10
56632	Conlon & Co	do	1863–1866	179.27
56632	A. & L. Camphansen	do	1863–1866	132.68
56632	Friedrich von Diergardt	do	1863–1866	4.50
55632	B. H. Goldschmidt	do	1863–1866	6.82
56632	A. & F. Haerten	do	1863–1866	15.00
56632	H. and J. Hornby & Co	do	1863–1866	38.52
56632	L. Hoyack & Co	do	1863–1866	3.50
56632	J. J Bacofen Merian	do	1863–1866	14.40
56632	B. Metzler, Seel Son & Cons	do	1863–1866	5.25
56632	Seb. De Neufville	do	1863–1866	18.37
56632	Phil. Nic. Schmidt	do	1863–1866	580.94
56632	G. C. Schuchardt	do	1863–1866	8.40
56632	L. F. Schmid	do	1863–1866	138.06
56632	Stadnitski & Von Henkelom	d2	1863–1866	447.33
56632	Widio, Tjeenk & Co	do	1863–1866	100.47
56632	P. J. Valckenberg	do	1863–1866	1.20
56632	Lewis Wagner & Co	do	1863–1866	133.95
56632	Westendorp & Co	do	1863–1866	51.44
56632	R. Daniel Woltenbeek	do	1863–1866	104.47
56632	Roquin, Hoffman & Co	do	1863–1866	3.50
56632	Charles Engler	do	1863–1866	112.85
56660	Abraham F. Vogel	do	1863–1866	109.67
56660	Carl Friedrich Niczoldi	do	1863–1866	107.03
56716	H. B. Abegg	do	1863–1866	124.80
56716	Rev. Bellamy Brewitt	do	1863–1866	38.40

Reported by the First Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
	TREASURY DEPARTMENT—Cont'd.			
	INTERNAL REVENUE—continued.			
56716	Baum, Boeddinghaus & Co	Refunding taxes illegally collected (certified claims).		9
56716	Anthony Benn, executor estate of Robert Benn.	do	1863–1866	19
56716	Thomas Sebastian Bazley, executor estate of Robert Gardner.	do	1863–1866	5
56716	John Dollin Bassett	do	1863–1866	56
56716	J. Caesar & Co	do	1863–1866	1
56716	William Clark, trustee estate of William Clark, deceased.	do	1863–1866	6
56716	A. & L. Camphausen	do	1863–1866	2
56716	Richard Crosher	do	1863–1866	5
56716	John L. Janvrin & C. W. Robin	do	1863–1866	19
56716	Coulon & Co	do	1863–1866	9
56716	Frank H. Evans	do	1863–1866	23
56716	Williams Evans	do	1863–1866	
56716	Edwin Hill	do	1863–1866	3
56716	Iselin & Staehlin	do	1863–1866	8
56716	John Hutcheson Kerr, trustee for John Kerr, jr.	do	1863–1866	12
56716	Heinr. Kustner & Co	do	1863–1866	5
56716	Gebruder Lobbecke & Co	do	1863–1866	32
56716	C. F. I. Leconte	do	1863–1866	20
56716	B Metzler, Seel, Son & Cons	do	1863–1866	1
56716	Henry Bingham Mildmay	do	1863–1866	26
56716	William Mackenzie	do	1863–1866	3
56716	Albert Nugent, executor estate of Walter Nugent.	do	1863–1866	15
56716	Heinrich Napp	do	1863–1866	
56716	Carl F. Plump & Co	do	1863–1866	
56716	Passavant & Co	do	1863–1866	5
56716	Robert A. Riddell	do	1863–1866	27
56716	R. Raphael & Sons	do	1863–1866	1, 30
56716	H. H. Sengstak (estate of)	do	1863–1866	
56716	Phil. Nic. Schmidt	do	1863–1866	18
56716	William Thompson	do	1863–1866	6
56716	Charles Turner White	do	1863–1866	4
56716	Baron Fr. Von Diergardt	do	1863–1866	11
56716	do	do	1863–1866	7
56716	Louis Wagner & Co	do	1863–1866	6
56828	John L. Janvrin and C. W. Robin	do	1863–1866	61
56828	Johann Heinrich Stein	do	1863–1866	17
56891	Heinrich Küstner & Co	do	1863–1866	1, 81
56891	Gebruder Lobbecke & Co	do	1863–1866	1, 07
56927	Thomas S. Bazley, executor of the estate of Robert Gardner.	do	1863–1866	43
56927	Breest & Gelpcke	do	1863–1866	20
56927	R. Raphael & Sons	do	1863–1866	4, 34
56927	Baum, Boeddinghaus & Co	do	1863–1866	9
56927	Baring Brothers & Co	do	1863–1866	1
56927	Madame Mont Richer and Madame Imer	do	1863–1866	5
56927	Madame A. L. Guebhard	do	1863–1866	
56927	Joseph Maynard	do	1863–1866	16
56927	Frederic Schoeller and Prym	do	1863–1866	16
59003	Kaufmann & Lüscher	do	1863–1866	60
57003	John Damer	do	1863–1866	3
57003	Henry Wilbraham	do	1863–1866	8
57003	Heirs of Peter de Greiff and Isaac de Greiff	do	1863–1866	6
57003	William Wellington Cairns	do	1863–1866	5
57003	Charles and Alfred Morrison	do	1863–1866	5
57023	John Hutcheson Kerr, trustee for John Kerr, jr.	do	1863–1866	20
	Total alien claims*			30, 54

*Claims allowed by the Commissioner of Internal Revenue under the decision of the Supreme C in the case of Railroad *vs.* Jackson (7 Wallace, 262) for the amount withheld by railroad comp and paid to the United States as internal-revenue tax on the interest and dividends that accrued September 1, 1862, to March 1, 1866, on the railroad bonds and stock that were owned by the non dent aliens named herein as claimants and to whom the respective sums are due and payable.

The Comptroller feels bound by the decision of the Supreme Court in the case of the United State Sebastian Kaufman (96 U. S. Reports t. 567) to certify the claims herein reported for the refundin taxes illegally collected which have been allowed by the Commissioner of Internal Revenue.

Reported by the First Comptroller, etc,—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	TREASURY DEPARTMENT—Cont'd.			
	INTERNAL REVENUE—continued.			
56263	C. A. Weed & Co	Refunding taxes illegally collected (certified claims).	1865-1866	$615.06
	Total			31,156.43
56409	Sanders & Co	Drawback on stills exported as provided by section 10, act approved March 1, 1879 (20 Stat., 342).	1890	20.00
56818	Eggers & Heinlein	do	1890	20.00
56809	Thackray & Co	do	1890	20.00
	Total			60.00
57118	Oregon Short Line Railway Company	Salaries and expenses of agents and subordinate officers of internal revenue (certified claims).	1888	1.87
56204	Thomas P. Bradshaw	do	1887	15.00
	Total			16.87
	Total internal revenue			31,233.30
(*)	Silas Q. Howe, surviving partner of W. T. Pate & Co.	Refunding taxes illegally collected.		†19,622.19
	TREASURY—MISCELLANEOUS.			
272160	Geo. A. Bartlett, disbursing clerk	Pay of assistant custodians and janitors (certified claim).	1887	24.35
273465	Alexander Dunn	Fuel, lights, and water for public buildings (certified claim).	1887	7.53
273465	do	Furniture and repairs of same for public buildings (certified claim).	1887	.72
274674	George Jackson	do	1887	26.75
	Total			27.47
275972	J. C. Springer	Repairs and preservation of public buildings (certified claims).	1887	24.60
274158	Charles J. Field	do	1887	2.20
274158	do	do	1886	13.13
	Total			39.93
274158	Charles J. Field	Heating apparatus for public buildings (certified claims.)	1886	2.25
274158	do	do	1887	5.30
	Total			7.55
56600	Baltimore and Ohio R. R. Co	International exchanges, Smithsonian Institution (certified claims).	1888	1.05
56607	Union Pacific Rwy. Co	do	1888	1.06
56608	do	do	1888	.04
56710	Central Pacific R. R. Co	do	1888	1.15
56711	do	do	1888	.08
	Total			3.38

* Reported in compliance with Senate resolution August 14, 1890.

† This is the amount which the Commissioner of Internal Revenue proposed to allow, but the allowance was not approved by the Secretary of the Treasury and the claim was rejected.

Reported by the First Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
	TREASURY DEPARTMENT—Cont'd.			
	TREASURY—MISCELLANEOUS—cont'd.			
275666	Quincy A. Brooks	Contingent expenses, Independent Treasury (certified claims).	1887	$12
275666	....do	....do	1888	430
	Total			442
275341	The City of Denver, Col	Contingent expenses, mint at Denver, (certified claims).	1882	231
274839	Journal Publishing Co., Helena, Mont	Legislative expenses, Territory of Montana (certified claims).	1887	754
15556	John H. Kinkead, late governor of Alaska.*	Salaries, governor, etc., Territory of Alaska (certified claims).	1885–1886	1,361
	Total Treasury, miscellaneous			2,895
	INTERIOR DEPARTMENT.			
273898	Central Pacific R. R. Co	Geological Survey (certified claims).	1886	53
273900	Southern Pacific R. R. Co. of California	....do	1886	
274447	Smedley Bros. & Co	...do	1887	48
	Total			101
56683	Union Pacific Rwy. Co	Preservation of collections, National Museum (certified claims).	1886	6
56684	... do	....do	1886	
56696	Central Pacific R. R. Co	....do	1888	
56697	... do	....do	1888	
56670	Union Pacific Rwy. Co	....do	1886	3
56671	....do	....do	1886	
56682	....do	....do	1887	
	Total			12
	Total Interior Department proper			113
	PUBLIC LANDS SERVICE.			
48320	John O'Keane, late receiver of public moneys, Vancouver, Wash. Ty	Expenses of hearings in land entries (certified claims).	1887	8
51597	Oregon Railway & Navigation Co	Contingent expenses of land offices (certified claims).	1887	1
52528	... do	....do	1888	9
	Total			10
47642	Samuel C. Wright, late receiver of public moneys, Beatrice, Nebr	Expenses of depositing public moneys (certified claims).	1886	1
38467	W. H. Somers, late receiver of public moneys, Niobrara, Nebr	Salaries and commissions of registers and receivers (certified claims).	1884	19
39939	... do	....do	1886	24
	Total			44
51816	Ridgeley C. Powers, deputy surveyor	Surveying public lands (certified claims).	1884	8,839
51933	Edwin N. Austin, deputy surveyor	....do	1884	459
51768	George K. Bradford, deputy surveyor	....do	1885	507
52345	John C. Smith, deputy surveyor	....do	1885	1,158
52345	Robert Berry, deputy surveyor	do	1885	500
51611	Harry V. Wheeler, deputy surveyor	... do	1886	1,502
51877	Edward W. Koeber, deputy surveyor	....do	1886	405

* Act approved May 17, 1884, organizing Alaska as a Territory.

Reported by the First Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	INTERIOR DEPARTMENT—Cont'd.			
	PUBLIC LANDS SERVICE—continued.			
51878	Edward W. Koeber, deputy surveyor	Surveying public lands (certified claims.)	1886	$1,575.32
51915	Edmund Wilkes and Charles S. Betts, deputy surveyors.	do	1886	166.39
51941	Joseph M. Snow, deputy surveyor	do	1886	72.17
51942	do	do	1886	1,134.10
51989	Clarence H. Wallace, deputy surveyor	do	1886	3,139.81
52175	Charles G. Griffith, deputy surveyor	do	1886	190.88
52326	Edmund Wilkes and C. S. Betts, deputy surveyors.	do	1886	3,467.35
52331	B. C. Bonnell, deputy surveyor	do	1886	120.75
52546	Robert Berry, deputy surveyor	do	1886	365.00
51847	E. R. Nicoles, deputy surveyor	do	1887	85.44
52197	J. M. Robertson, deputy surveyor	do	1888	2,623.70
52276	A. L. Coffey, deputy surveyor	do	1888	40.00
52292	A. G. Ruxton, deputy surveyor	do	1888	65.58
52330	James Hartgening, deputy surveyor	do	1888	1,097.50
52339	Charles W. Mead, deputy surveyor	do	1888	2,847.67
	Total			30,363.83
51920	Henry Fitzhugh, deputy surveyor	Resurveys of the public lands (certified claims.)	1886	1,326.26
52165	Arthur F. Benson, deputy surveyor	do	1887	297.80
	Total			1,624.06
51765	Charles L. Ratcliff, deputy surveyor	Surveying private land claims in New Mexico (certified claims.)	1887	536.18
42168	Sanford Parker, late receiver public moneys, Niobrara, Nebr.	Re-imbursement to receivers of public moneys for excess of deposits (certified claims.)	1887	6.08
47538	W. C. Jordan, late receiver of public moneys, Montgomery, Ala.	do	1890	3.17
48931	W. O. Mills, late receiver of public moneys, Eureka, Nev.	do	1890	1.57
	Total			10.82
47172	State of Colorado	Payment to Colorado, on account of sales of public lands, being 5 per cent. upon the net proceeds of the sales of lands heretofore embraced in the Ute Indian Reservation (certified claim).	July 1, 1879, to June 30, 1888.	15,374.48
47454	do	Payment to Colorado, on account of sales of public lands, being 5 per cent. of the net proceeds of sales of agricultural lands, act of March 3, 1875 (certified claim).	July 1, 1886, to June 30, 1888.	63,483.24
47558	State of Michigan	Payment to Michigan, on account of sales of public lands, being 5 per cent. of the net proceeds of the sales of lands in that State (certified claim).	1887	4,993.79
47601	State of Nebraska	Payment to Nebraska, on account of sales of public lands, being 5 per cent. of the net proceeds of the sales of lands in that State, act of April 19, 1864 (certified claim).	1886–1887	111,385.08
				195,236.59
	Total Public Lands Service, Interior Department.			227,836.72

Reported by the First Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	DEPARTMENT OF JUSTICE.			
122139	Fremont Wood	Pay of regular assistant attorneys United States courts (certified claims).	1888	$108.00
122135	G. Lowrey	Pay of special assistant attorneys United States courts (certified claims).	1887	911.20
122132	George Edmunds	do	1888	50.00
122112	William Ware Beck	do	1887–1888	109.40
109443	A. H. Frazer	do	1888	800.00
122146	Charles E. Miller	do	1888	1,000.00
122085	Samuel Ward	do	1888	500.00
122124	J. W. Oates	do	1886, '87, '88	8,300.00
122116	L. F. Coburn	do	1888	382.00
122119	D. M. Delmas	do	1888	1,250.00
122140	D. W. Standrod	do	1888	100.00
122204	A. Quackenbush	do	1887–1888	500.00
	Total			13,902.62
110233	A. C. Campbell	Special compensation of district attorneys United States courts (certified claims).	1888	60.00
110290	do	do	1888	44.75
122136	G. Van Hoorebeke	do	1888	100.00
122137	do	do	1886	100.00
104362	George M. Stearns	do	1887	150.00
105385	George E. Bird	do	1887	171.28
105873	W. H. White	do	1887	50.00
122105	A. S. Worthington	do	1888	250.00
122145	Alex. B. Cooper	do	1888	50.00
122128	T. P. Bashaw	do	1888	50.00
122130	do	do	1888	150.00
122114	R. M. Call	do	1888	100.00
122115	J. T. Carey	do	1887–1888	150.00
122133	do	do	1888	2,000.00
	Total			3,426.03
121672	E. S. Dundy, jr	Fees of clerks United States courts (certified claims).	1886	23.10
121767	John G. Stetson	do	1884	.30
121768	do	do	1885	57.90
121769	do	do	1886	.60
121770	do	do	1887	27.70
121771	do	do	1888	.10
	Total			109.2[illegible]
121738	H. C. Hodges, lieutenant-colonel	Fees of witnesses United States courts (certified claims).	1887	10.8[illegible]
121734	J. B. Donnally	do	1888	20.0[illegible]
	Total			30.8[illegible]
121299	R. Lyon Rogers	Fees of Commissioners United States courts (certified claims).	1887	22.1[illegible]
121836	L. H. Ainsworth	do	1887	9.0[illegible]
121491	William Muirheid	do	1888	19.0[illegible]
120591	L. T. Dryden	do	1888	7.1[illegible]
122027	T. V. Logan	do	1888	71.0[illegible]
121975	R. P. Morle	do	1888	83.5[illegible]
	Total			212.[illegible]
121545	The Mail and Express	Miscellaneous expenses, United States courts (certified claims).	1888	67.[illegible]
119971	W. E. Gorbner	do	1887	120.[illegible]
	Total			187.[illegible]
	Total Department of Justice			17,97[illegible]

RECAPITULATION OF CLAIMS ALLOWED BY FIRST COMPTROLLER.

State Department:	
Foreign intercourse, as follows:	
Salaries of ministers (certified claims)	$801.20
Contingent expenses foreign missions (certified claims)	191.82
Salaries consular service (certified claims)	439.85
Loss by exchange, consular service (certified claims)	42.67
Buildings and grounds for legation in China (certified claims)	133.05
Contingent expenses U. S. consulates (certified claims)	417.36
Relief and protection of American seamen (certified claims)	227.51
Pay of consular officers for services to American vessels and seamen (certified claims)	21.58
Total State Department	2,275.04
Treasury Department:	
Salaries office of Third Auditor (certified claim)	362.88
Internal revenue, as follows:	
Refunding taxes illegally collected (certified claims)	31,156.43
Drawbacks on stills exported, act March 1, 1879 (certified claims)	60.00
Salaries and expenses of agents and subordinate officers of internal revenue (certified claims)	16.87
	31,233.30
Refunding taxes illegally collected, being claim of Silas Q. Howe, surviving partner of W. T. Pate & Co., allowed by the Commissioner of Internal Revenue, but not approved by the Secretary of the Treasury	19,622.19
Miscellaneous:	
Pay of assistant custodians and janitors (certified claims)	24.35
Fuel, lights, and water for public buildings (certified claims)	7.53
Furniture and repairs of same for public buildings (certified claims)	27.47
Repairs and preservation of public buildings (certified claims)	39.93
Heating apparatus for public buildings (certified claims)	7.55
International exchanges, Smithsonian Institution (certified claims)	3.38
Contingent expenses independent treasury (certified claims)	442.70
Contingent expenses mint at Denver (certified claims)	241.24
Legislative expenses Territory of Montana (certified claims)	750.00
Salaries, governor, etc., Territory of Alaska (certified claims)	1,361.68
	2,895.83
Total Treasury Department	54,114.20
Interior Department:	
Geological Survey (certified claims)	101.30
Preservation of collections, National Museum (certified claims)	12.48
	113.78
Public land service, as follows:	
Expense of hearings in land entries (certified claims)	8.22
Contingent expenses of land offices (certified claims)	10.44
Expense of depositing public moneys (certified claims)	1.01
Salaries and commission, of registers and receivers (certified claims)	44.57
Surveying the public lands (certified claims)	30,363.83
Resurveys of the public lands (certified claims)	1,624.06
Surveying private land claims in New Mexico (certified claims)	536.18
Re-imbursement to receivers of public moneys for excess of deposits (certified claims)	10.82
Payment to Colorado on account of sales of land (certified claims)	78,857.72
Payment to Michigan on account of sales of land (certified claim)	4,993.79
Payment to Nebraska on account of sales of land (certified claim)	111,385.08
	227,835.72
Total Interior Department	227,949.50
Department of Justice:	
Pay of regular assistant attorneys, U. S. courts (certified claims)	108.00
Pay of special assistant attorneys, U. S. courts, (certified claims)	13,902.62
Special compensation of district attorneys, U. S. courts (certified claims)	3,426.03
Fees of clerks, U. S. courts (certified claims)	109.25
Fees of witnesses, U. S. courts (certified claims)	30.80
Fees of commissioners, U. S. courts (certified claims)	212.00
Miscellaneous expenses, U. S. courts (certified claims)	187.60
Total Department of Justice	17,976.30
Grand total	302,315.04

Reported by the First Auditor and Commissioner of Customs under section 2, act of July 7
1884 (23 *Stat.*, *p.* 254).

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	TREASURY DEPARTMENT.			
	CLAIMS.			
[1]28122	David T. Jarrard	Expenses of collecting the revenue from customs (certified claims).	1874–1875	$259.0
[1]28697	William J. Bushall	do	1880–1881	405.
[1]28751	Louis N. Rollins	do	1876–1877	1,368.
[1]28928	Malcom J. Brown	do	1874–1875	35.
[1]28941	Abraham C. White, deceased	do	1874–1875	144.
[1]28955	E. W. Charg	do	1875–1876	124.
[1]29086	Alfred E. Conners	do	1875–1877	2,086.
[1]29113	Henry A. Bond, jr	do	1879–1881	1,496.
[1]29242	W. F. Galt	do	1875	75.
[1]29418	John Wesley Conner	do	1876–1877	399.
[1]29366	John L. Pierce	do	1874–1875	141.
[1]29384	Miss Margaret H. Robbins	do	1874–1876	714.
[1]29453	George W. Cobb	do	1876	62.
[1]29482	Levi S. Burrows	do	1881	139.
[1]29498	James Potter	do	1878	2.
[2]29036	John C. Vance	do	1886–1887	353.
[3]29190	G. N. Morgan	do	1886	5.
[4]28804	Empire Steam Laundry Company	do	1887	72.
[5]28905	John G. Stetson	do	1884	10.
[5]28906	do	do	1887	13.
[5]28907	do	do	1886	12.
	Total			7,928.
[6]28244	Frank Bracelin	Life-Saving Service (certified claims).	1886	2.
[7]29276	Sylvanus Brower	do	1887	19.
[7]28662	Jesse M. Powers	do	1885	100.
[7]28764	Joseph Housel	do	1886–1887	346.
[8]28920	W. C. Bowser	do	1886	10.
	Total			478.
[9]28275	Oregon Short Line and Utah Northern Railway Company.	Repairs of light-houses (certified claims).	1887	
[9]29228	Maj. W. S. Stanton, U. S. Army Engineer first and second light-house districts.	do	1888	10.
	Total			10.
[10]28307	Oregon Short Line and Utah Northern Railway Company.	Marine Hospital Service (certified claim).	1877	
[11]28019	Abigail A. Adams, deserted wife of Moses H. Adams.	Lighting and buoyage of rivers (certified claims).	1886–1887	32.
[12]28031	Wm. St. C. Pugh	do	1887	15.
	Total			48.
[13]29229	Commander, M. B. Buford, U. S. Navy, late inspector of eighth lighthouse district.	Expenses of light vessels, (certified claims).	1886	325.
	Total claims			8,791.

[1]Difference between amount paid and legal compensation fixed by secs. 2733 and 2738 Revi Statutes and decisions of the Court of Claims.
[2]Difference between compensation paid a "weigher" at New Orleans, La., and that fixed by s 2739 Revised Statutes.
[3]Traveling expenses.
[4]Washing towles.
[5]Services as clerk U. S. circuit court, district of Massachusetts.
[6]Advertisement.
[7]Due as disabled surfman under sec. 7 act of May 4, 1882.
[8]Hauling forage.
[9]Transportation of supplies.
[10]Transportation of medical supplies.
[11]Services of Moses H. Adams, laborer.
[12]Expenses attending arrest of John C. Simpson for running down a buoy.
[13]Purchase of steam-vessels for use of Light-House Service.

RECAPITULATION OF CLAIMS ALLOWED BY FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

Expenses of collecting the revenue from customs. (Certified claims)	$7,928.06
Life-Saving Service. (Certified claims)	478.61
Repairs of light-houses. (Certified claims)	10.19
Marine Hospital Service. (Certified claim)	.99
Lighting and buoyage of rivers. (Certified claims)	48.18
Expenses of light vessels. (Certified claims)	325.00
Total	8,791.03

Reported by the Second Auditor and Second Comptroller, under section 2, act of July 7, 1884 (23 Stat., 254).

No. of certificate.	Name of claimant.	Appropriations from which payable.		Total.
		Pay, etc., of the Army, 1887 and prior years (certified claims).	Pay, etc., of the Army, 1888 (certified claims).	
	WAR DEPARTMENT.			
*122410	Morris C. Allen	$39.90		$39.90
124963	Thomas F. Arnett	208.34		20.831
131760	George Aitken	25.82		2.582
129563	Michael Alford	29.44		2.944
129565	George E. Arlington	7.95		7.95
129567	Robert Armstrong	2.944		2.944
788:5	Charles M. Brown	58.89		58.89
115692	John D. Blaker	213.29		213.29
116178	Joseph H. Bill	188.47		188.47
122391	Henry A. Brigham	8.08		8.08
119694	Frits C. F. Braun	34.30		34.30
120142	Charles Broockmayer	34.80		34.80
120143	Theodore W. B. Brake	128.59		128.59
*120147	Henry A. Blake	26.60	$26.52	52.85
*120149	Warren Bamon	39.90	54.25	94.15
120878	John H. Burke	5.15		5.15
120888	Robert A. Brown	9.80		9.80
120890	Fritz Beck	50.00		50.00
122392	Gustav Bergen	990.38		990.38
*122405	Feid Bernd (or Bernod)	109.55	50.40	159.95
124955	Hugh Bates	812.06		812.06
*125595	Walter H. Blanchard	127.75	5.25	133.00
129569	John Banse	9.08		9.08
131445	Owen Brennan	3.79		3.79
129571	E. H. Brodie	26.03		26.03
*128720	André Bernard		14.35	14.35
*128723	Peter Bagley	75.45		75.45
*128724	do	7.50		7.50
*109597	Michael R. Conlon	2.80	24.50	27.30
132117	Joseph Cryderman	29.44		29.44
*119693	Thomas Carr		27.30	27.30
*119695	Mell Cowell	65.10	14.35	79.45
119710	Redmond Corcoran	47.35		47.35
120138	Jacob Chapman	15.62		15.62
120873	Swanigan D. Chaffin	59.22		59.22
*122403	Harry Cohen	64.40		64.40
*122406	Patrick F. Cosgrove	26.95	93.80	120.75
122408	Arthur E. Cinq Mars	58.80		58.80
123717	John Collins	18.04		18.04
*125594	John Conlow	65.45	31.15	96.60
129575	Teffrey Carney	22.43		22.43
129577	Anthony Carty	22.62		22.62
129581	Bartel Cavanagh	28.77		28.77
129573	John Carmody	15.83		15.83
129579	Timothy Casey	18.68		18.68
129585	John Crosland	10.24		10.24
118793	Augustus Cook	23.48		23.48
*112153	Grey Dugdale		35.35	35.35
*119318	Mathew Dunne	127.75	44.45	172.20
*124965	Charles J. DeRoo	55.65		55.65
125593	Asa Davis	145.83		145.83
129588	John Delaney	29.44		29.44
130272	Patrick Doyle	29.44		29.44
130274	William Duffey	15.34		15.34
130276	Bernhard Dürr	9.68		9.68
*128214	Timothy Durkin	39.20	39.90	79.10

Reported by the Second Auditor and Second Comptroller, etc.—Continued.

No. of certificate.	Name of claimant.	Appropriations from which payable.		T
		Pay, etc., of the Army, 1887 and prior years (certified claims).	Pay, etc., of the Army, 1888 (certified claims).	
	WAR DEPARTMENT—Continued.			
124956	Joseph Elder	$8.71		
*120887	Samuel Elsom		$24.50	
130278	Joseph Elsen	28.39		
*128213	Fred R. Elsner	16.45		
*128216	Lloyd Elder	45.50		
120141	William Franklin	56.93		
*120148	Roderick Foss	32.55	21.35	
*122404	James T. Fox	42.70	31.85	
130280	Jacob Fethers	29.44		
130282	Henry Flood	29.44		
131270	William Foster	29.44		
131762	Thomas Fannon	17.21		
*128225	Charles Fremdling	112.70		
*128716	John Fitzgerald	122.85	38.50	
118803	John B. Gibson	6.36		
123713	John Garrett	41.90		
123714	..do	5.00		
123720	Charles Goldsmith	24.15		
116837	Ulysses S. Grant	92.90		
130284	Patrick Gallagher	9.68		
130286	Peter Giacchetti	9.08		
130288	Hippolite Gustowski	11.14		
106588	Benjamin D. Greene	99.96		
9220	Charles G. Gordon	111.36		
117691	Aaron B. Hardcastle	137.81		
118825	William Harper, jr	282.72		
*119320	William Herbst	77.35	38.50	
*119691	Martin Healy	127.75	11.90	
120139	James Hughes	54.12		
130290	Patrick Hanley	25.69		
130292	William Hoffman	9.08		
*128222	David Halle	35.35	30.18	
*119316	Hugh Jones	122.15		
*120150	Adrian I. Jones		23.10	
120879	David S. Johnston	11.11		
*123711	Willis Johnson	127.05	30.95	
*123712	...do		16.00	
*124966	Leon Jagocki	29.75		
*124967	Charles P. January	82.25		
130296	Alexander Jamieson	13.69		
130298	John Johnson	29.44		
130300	Hugh Jones	16.13		
130302	Robert H. Jones	7.95		
126602	Samuel S. Jessop	72.45		
*128217	Paul Juchatz	31.15		
*128220	Isaiah Johnson	84.70	25.00	
*128221	...do		10.00	
120876	John T. Kennedy	52.84		
130304	John Kaiser	29.44		
130306	Lewis Keller	25.69		
130308	Cornelius Kelly	8.25		
130310	John Kunst	17.22		
*122394	John H. Laser		29.40	
*122401	Charles E. Lloyd		41.65	
123730	William Lewis (alias Lewis Stotler)	39.72		
130833	John Leonard	29.44		
130835	John Lewis	19.80		
*128715	Frank Lahna		22.40	
*119699	Samuel More	36.30		
*119700	...do	5.00		
120137	Charles Mount	38.50		
120145	Frederick McIntire	40.12		
120146	William E. Moore	12.63		
120872	John Mullen	72.09		
122393	James J. Murphy	144.00		
124962	John McCarren	98.50		
*111875	James W. McCarthy	7.00	16.80	
130838	William McBeth	5.25		
130840	Thomas McEnaney	29.44		
130842	Michael McGarry	41.98		

Reported by the Second Auditor and Second Comptroller, etc.—Continued.

No. of certificate.	Name of claimant.	Appropriations from which payable. Pay, etc., of the Army, 1887 and prior years (certified claims).	Pay, etc., of the Army, 1888 (certified claims).	Total.
	WAR DEPARTMENT—Continued.			
130844	James McKenna	$24.15		$24.15
130847	James McMahon	29.44		29.44
130851	Herman Meerholz	18.12		18.12
130853	Charles Mulhern	27.94		27.94
130855	William Murchy	39.71		39.71
130857	James Murphy	44.15		44.15
130859	Timothy Murray	9.08		9.08
131447	George Mornwig	24.15		24.15
118898	John Murphy	76.29		76.29
120597	August Mahrenholz	69.22		69.22
*128218	Harry Motin	38.40		38.40
*128219	... do	5.00		5.00
*128220	Frank McCarren	64.75		64.75
*119696	John S. Neate		$16.10	16.10
*119697	Harvey B. Nickerson	30.80	13.65	44.45
130861	James Nash	44.15		44.15
130863	Patrick Neilan	29.44		29.44
130865	Thomas Newton	29.44		29.44
130867	James Nugent	6.53		6.53
118813	Henry B. Osgood	158.32		158.32
120274	P. J. O'Kelly	52.77		52.77
120605	Leonard J. O'Neill	21.91		21.91
*119336	Thomas Proctor	34.55		34.55
*119337	...do	5.00		5.00
*119701	Richard Parker	40.50		40.50
*119702	... do	5.00		5.00
119704	William A. Powers	9.61		9.61
129557	George Piano	22.43		22.43
*128714	Oscar Pollak		18.20	18.20
*120136	John J. Reid	51.10		51.10
122424	Charles Reynolds	147.00		147.00
*125596	John Rieffel	58.10		58.10
131234	George W. Rivers	29.44		29.44
131236	John Rosenthal	24.15		24.15
131240	Charles Rupp	10.28		10.28
131242	Joseph Rush	2.33		2.33
112160	William H. Rhodes	71.03		71.03
128230	James Randall		51.68	51.68
118821	Mirand W. Saxton	239.15		239.15
*119319	Lewis S. Showaker	127.75	32.90	160.65
*119326	Thomas Smith	26.95		26.95
119705	Lyman B. Sweeney	22.18		22.18
*120135	George Snider	87.85	5.95	93.80
*120367	George H. Spilman		23.80	23.80
120880	William Skinner	58.25		58.25
*120886	James Start	124.95	51.45	176.40
121013	William H. Smyth	7.71		7.71
*122407	Carl Schoning	84.70	39.55	124.25
123722	Thomas Stinebaker	12.25		12.25
124957	Samuel Swartwout	336.50		336.50
*124968	Alexander Straunch	64.00		64.40
*124969	Charles Saunders		25.20	25.20
*124970	David Scanlan	33.25	9.10	42.35
129555	Charles Stadtmiller	19.13		19.13
131247	Jacob Schwartz	12.75		12.75
131250	Edward Shields	44.15		44.15
131252	Christopher Slaven	11.06		11.06
131254	James Smith	22.43		22.43
112448	Alfred Smith	10.39		10.39
*128719	William Smith	46.20		46.20
*128224	Erlander H. Simpson	56.00		56.00
*119329	Werner Teschemacher	21.35	24.85	46.20
*119698	Frederick A. Turner	29.40	32.20	61.60
*122402	George L. Titlow	43.05		43.05
124958	Frank Thomas	75.27		75.27
129552	William Tobin	19.20		19.20
131257	Michael Tyrrell	.94		.94
132115	Edward L. Thompson	8.41		8.41
126604	Thomas F. Tindall	129.89		129.89
*128212	Francis S. Torback	44.10		44.10

Reported by the Second Auditor and Second Comptroller, etc.—Continued.

No. of certificate.	Name of claimant.	Appropriations from which payable.		
		Pay, etc., of the Army, 1887 and prior years (certified claims).	Pay, etc., of the Army, 1888 (certified claims).	To
	WAR DEPARTMENT—Continued.			
133273	Edward W. Thompson	$116.94		
131259	George Uhri	6.83		
125605	Israel Valentine	42.50		
*119315	Rudolph Wevell	114.10	$41.30	
*119321	Frederick Winters	11.20		
*119692	Wilson B. Warren		45.85	
*121234	Anton Weilandt	34.65		
*123715	Powell Wooldridge	72.10	30.95	
*123716	....do		10.00	
*125591	Robert Wilson	66.50		
131261	Michael Walsh	44.15		
131264	James Welch	24.10		
131266	John H. Willis	29.44		
131268	Peter H. Wray	20.82		
50912	Nathaniel J. Whitehead	208.71		
	Total	11,342.39	1,340.63	12,

NOTE.—Claims marked thus* have been certified under section 1288, Revised Statutes, bei extra duty pay as nurses and cooks in hospitals. The remainder of the claims are for arrears of balance of appropriation in surplus fund.

No. of certificate.	Name of claimant.	Appropriations from which payable.	Fiscal year.	Amo
[1]118798	Melville Edsall	Pay of volunteers, Mexican war (certified claims).	1846	
[1]118791	James A. Freeman	....do	1846	
[1]26989	George W. Foster	....do	1847	
	Total			
[2]127650	James B. Gallup	Traveling expenses of First Michigan Cavalry (certified claims).	1866	
[1]128712	John S. Farwell	Pay of Military Academy (certified claims).	1868	
[3]118820	Frederick R. Day	Signal Service pay 1889 (certified claims).	1889	
[4]9149	A. R. Duncan	Signal Service, medical department (certified claims).	1887	
[5]9106	J. R. Freeman	Contingencies of the Army (certified claims).	1886	
[5]9105	F. L. Moore	....do	1883–1885	
[5]9107	D. O. Munson	....do	1884–1885	
	Total			
[6]9056	A. R. Duncan	Medical and hospital department (certified claims).	1887	
[7]9566	John S. Griffin	....do	1861	
[8]9466	Matilda C. Norman	....do	1862	
[9]9036	Dennis Tillman or Tilghman (colored).	....do	1864	
	Total			

[1] Arrears of pay in surplus fund.
[2] Certified under act of July 28, 1866.
[3] Mileage while traveling under orders without troops; appropriation exhausted. Certified section 1273, Revised Statutes, as modified by the act of September 22, 1888 (25 Stat., 453.)
[4] Medical attendance, etc., to a private of the Signal Corps. (In surplus fund.)
[5] Plants, trees, seeds, and fertilizers for Fort Myer, Va., 1883 to 1886. (In surplus fund.)
[6] Medical attendance, etc., to a private of Company F, Fifteenth Infantry.
[7] Services as acting assistant surgeon at Camp Fitzgerald, Cal. (In surplus fund.)
[8] Keeping, nursing, and cooking for sick men of Sixth Kansas Volunteers. (In surplus fund.)
[9] Cook in hospital at Knoxville, Tenn. (In surplus fund.)

RECAPITULATION OF WAR DEPARTMENT CLAIMS CERTIFIED BY THE SECOND AUDITOR AND SECOND COMPTROLLER:

Pay, etc , of the Army, 1887 and prior years (certified claims)	$11,312.39
Pay, etc., of the Army, 1888 (certified claims)	1,340.03
Pay of volunteers, Mexican war (certified claims)	288.12
Traveling expenses of First Michigan Cavalry (certified claims)	200.70
Pay of Military Academy (certified claims)	3.39
Signal Service pay, 1889 (certified claims)	301.09
Signal Service, medical department (certified claims)	18.95
Contingencies of the Army (certified claims)	306.56
Medical and hospital department (certified claims)	209.70
Grand total	13,980.93

Reported by the Second Auditor and Second Comptroller, etc.—Continued.

No. of certificate.	Name of claimant.	Appropriations from which payable.	Fiscal year.	Amount.
	INTERIOR DEPARTMENT.			
	INDIAN.			
[1] 9116	James L. Robinson	Contingencies Indian Department (certified claims).	1887	$153.99
8583	C. M. Brown	Incidentals in California, employés (certified claims).	1886	99.99
8583	S. B. Larimer	do	1886	95.21
8583	A. Odell	do	1886	99.99
8583	P. G. Tuttle	do	1886	95.21
				390.40
9570	Thomas A. Petty	Incidentals in Dakota (certified claims)	1887	50.00
8625	John Dobson	Incidentals in New Mexico, including employés and support and civilization (certified claims).	1880	4.00
8625	John Dobson	Incidentals in Utah, including employés and support and civilization (certified claims).	1880	8.00
9593	Edwin Eells	Indian schools, support (certified claims).	1887	.45
9720	Thomas M. Jones	do	1888	22.83
				23.28
9076	Israel Greene	Pay of Indian agents (certified claims).	1887	119.13
9074	Robert L. Leatherwood	do	1886	4.45
				123.58
8625	John Dobson	Support of Arickarees, Gros Ventres, and Mandans (certified claims).	1880	12.00
8625	do	Support of Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas (certified claims).	1880	16.00
8625	do	Support of Chippewas of Lake Superior (certified claims).	1880	8.00
8625	do	Support of Chippewas of Red Lake and Pembina (certified claims).	1880	10.00
8625	do	Support of Confederated bands of Utes, beneficial objects (certified claims).	1880	18.00
8625	do	Support of Gros Ventres in Montana (certified claims).	1880	12.00
[4] 8625	do	Support of Indians of Fort Peck Agency (certified claims).	1880	32.00
[4] 8625	do	Support of Indians in Arizona and New Mexico (certified claims).	1880	74.00
[4] 8625	do	Support of Modocs in the Indian Territory (certified claims).	1880	2.00
[4] 8625	do	Support of Nez Percés of Joseph's band (certified claims).	1880	14.00
[4] 8625	do	Support of Northern Cheyennes and Arapahoes, clothing (certified claims).	1880	16.00
[4] 8625	do	Support of Shoshones, clothing (certified claims).	1880	18.00

[1] Robinson—Arrears of pay as special Indian agent.
[2] Brown, Laramie, Odell, Tuttle—Pay as employés, Round Valley Agency, California.
[3] Petty—Feeding and caring for stray work cattle of Rosebud Agency.
[4] Dobson—Balance due for blankets furnished under contract.

Reported by the Second Auditor and Second Comptroller, etc.—Continued.

No. of certificate.	Name of claimant.	Appropriations from which payable.	Fiscal year.	Amoun
	INTERIOR DEPARTMENT Continued.			
	INDIAN—continued.			
[4]8625	John Dobson	Support of Shoshones in Nevada (certified claims).	1880	$14.
[4]8625	....do	Support of Sioux of different tribes, clothing (certified claims).	1880	446.
[4]8625	....do	Support of Sioux of Lake Traverse (certified claims).	1880	14.
[6]8595	Harry A. Clarke	Survey of Indian reservations. (Certified claims).	1885	1,700.
[7]9021	Augustus T. Smith	Surveying and allotting Indian reservations (certified claims).	1887	360.
[8]9913	William W. Ward	....do	1887	2,408.
				2,769.
[9]8423	Hiram C. Slavens	Transportation of Indian supplies. (certified claims).	1886	23.

[4] Dobson—Balance due for blankets furnished under contract.
[5] Eells, Jones, Green, Leatherwood—Balances due on final settlement of accounts as Indian agen
[6] Clarke—Surveying, etc., within the Yakima Reservation, Washington, under contract.
[7] Smith—Resurveying part of boundary lines of Hoopa Valley Reservation, California, under co tract.
[8] Ward—Surveying, etc., in the White Earth Reservation in Minnesota, under contract.
[9] Slavens—Transporting Indian supplies under contract.
NOTE.—Balances of all appropriations in surplus fund.

RECAPITULATION OF INTERIOR DEPARTMENT (INDIAN) CLAIMS ALLOWED I THE SECOND AUDITOR AND SECOND COMPTROLLER.

Contingencies Indian Department (certified claims)	$153.
Incidentals in—	
California (certified claims)	390.
Dakota (certified claims)	50.
New Mexico, including employés and support and civilization (certified claims)	4.
Utah, including employés and support and civilization (certified claims)	8.
Indian schools, support (certified claims)	23
Pay of Indian agents (certified claims)	123.
Support of—	
Arickarees, Gros Ventres, and Mandans (certified claims)	12.
Arapahoes, Cheyenne, Apaches Kiowas, Com. and Wich, (certified claims)	16.
Chippewas of Lake Superior (certified claims)	8.
Chippewas of Red Lake and Pembina (certified claims)	10.
Confederated bands of Utes, beneficial objects (certified claims)	18.
Gros Ventres in Montana (certified claims)	12.
Indians of Fort Peck Agency (certified claims)	32.
Indians in Arizona and New Mexico (certified claims)	74.
Modocs in the Indian Territory (certified claims)	2.
Nez Percé's, of Joseph's band (certified claims)	14.
Northern Cheyennes and Arapahoes, clothing (certified claims)	16.
Shoshones, clothing (certified claims)	18.
Shoshones in Nevada (certified claims)	14.
Sioux of different tribes, clothing (certified claims)	446.
Sioux of Lake Traverse (certified claims)	14.
Survey of Indian reservations (certified claims)	1,700.
Surveying and allotting Indian reservations (certified claims)	2,769.
Transportation of Indian supplies (certified claims)	23.
Grand total	5,951.

Reported by the Third Auditor and Second Comptroller under section 2 of act of July 7, 1884 (23 Stat., p. 254).

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	INTERIOR DEPARTMENT.			
	PENSIONS.			
5454	B. F. Cook	Army pensions (certified claims).	1887	$10.00
7369	B. F. Gue, late pension agent	do	1879	51.00
7431	Ada C. Sweet, late pension agent	do	1878	12.60
	Total			73.60
8841	Dr. H. W. Purdy	Fees of examining surgeons (certified claims).	1888	4.00
	Total pensions			77.60

RECAPITULATION OF INTERIOR DEPARTMENT (PENSION) CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

Army pensions (certified claims)	$73.60
Fees of examining surgeons (certified claims)	4.00
Total pensions	77.60

Reported by the Third Auditor and Second Comptroller under section 2 of act of July 7, 1884 (23 Stat., p. 254).

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT.			
		CLAIMS.			
106580	9723	James Bevans	Subsistence of the Army (certified claims).	1865–1866	$74.47
106567	420	George Bantzhoff	do	1887	10.85
105668	8708	R. Croxall Carr	do	1865–1866	162.02
108695	9605	Samuel Cross	do	1865–1866	25.56
a 110898	438	Edward Clymer	do	1865	6.00
13471	464	Felix Curley, deceased; Margaret Curley, widow.	do	1860	600.00
108579	9550	George Dice	do	1865–1866	53.44
109060	9944	Isaiah Dean	do	1865–1866	42.85
108933	221	John Daniels	do	1865–1866	55.00
105667	423	Thomas A. Deakins	do	1865–1866	565.48
105670	8698	William Erwin	do	1865–1866	160.00
2 M.	4560	Cyrus A. Earnest, lieutenant Eighth Infantry, U. S. Army.	do	1886	1.38
106245	494	Robert French, deceased; Catherine French, widow.	do	1865–1866	243.47
107559	9906	Benjamin Goddard, deceased, heirs of.	do	1865–1866	389.69
111089	476	Charles W. Garcia	do	1865–1866	174.52
b 17804	506	Guernsey County, Ohio	do	1865	52.00
106938	9310	William H. Harrison, deceased; Ann R. Harrison, widow.	do	1865–1866	178.68
104462	64	Hannibal M. Hopkins	do	1864	34.00
68627	54	John Huffman	do	1864	78.00
(c)	4794	Henry W. Hovey, lieutenant Twenty-fourth Infantry, U. S. Army.	do	1888	.50
107601	9847	William Jackson	do	1887	7.50
106451	553	Robert F. Johnston	do	1865	11.25
108303	9283	William Kemp	do	1865–1866	47.20

a See regular supplies.
b See barracks and quarters and regimental supplies, Quartermaster's Department.
c Transfer.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
105123	8985	William Lynch	Subsistence of the Army (certified claims).	1865-1866	$218.
111163	497	John Littleford	....do	1865-1866	268.
105446	8785	John E. McVey	....do	1864	26.
109138	180	Charles Massingbird; true name Charles Massenburg.	....do	1865	31.
(a)	5414	William B. Moore, lieutenant Second Illinois Cavalry.	....do	1877	124.
Transfer	4321	George Nichol	....do	1877	2.
105770	8858	Basil T. Ridgway	....do	1865-1866	219.
105673	101	George H. Randall	....do	1865-1866	291.
105994	8735	Augustus Shaffer, or Shaefer, deceased; Susanna Shaffer, widow.	....do	1865-1866	127.
108191	9209	William Thissell	....do	1865-1866	82.
b106491	8915	Andrew J. Welton	....do	1865	96.
108544	9227	Joseph H. Weldin	....do	1888	1.
105497	8669	Thomas N. Young	....do	1865-1866	281.
108305	9551	William H. Young, deceased; Isabella Young, widow.	....do	1865-1866	261.
		Total			$4,888.
(c)	4460	William C. Bartlett, lieutenant, Third Infantry, U. S. Army.	Regular supplies, Quartermaster's Department (certified claims).	1877	24.
108046	9083	Damasas Chaves	....do	1887	22.
(c)	4671	Samuel R. Colladay, lieutenant, Tenth Cavalry, U. S. Army.	....do	1877	1.
d110898	438	Edward Clymer	....do	1865	4.
76135	557	William O. H. Callaghan, payable to J. D. Clare, holder and owner.	....do	1863	9.
76135	557	John Comer, payable to J. D. Clare, holder and owner.	....do	1863	18.
(c)	4770	Henry W. Freedley, colonel, U. S. Army.	....do	1877	15.
e17804	506	Guernsey County, Ohio	....do	1865	10.
98505	9165	Lappin & Scrafford	....do	1866	30.
76135	557	John Powers, payable to J. D. Clare, holder and owner.	....do	1863	51.
76135	557	William Poor, payable to J. D. Clare, holder and owner.	....do	1863	2.
f26500	576	James Redditt	....do	1862	69.
76135	557	Smith Stephenson, payable to J. D. Clare, holder and owner.	....do	1863	30.
		Total			$268.
(c)	4663	Virgil J. Brumback, lieutenant, Second Infantry, U. S. Army.	Incidental expenses, Quartermaster's Department (certified claims).	1884	5.
104583	155	Frederick G. Biddle, true name Gottlieb F. Biddle.	....do	1863	48.
106554	9112	Henry D. Borup	....do	1888	3.
26500	576	Frank Bice	....do	1863	12.
102173	9116	James Chase	....do	1863	9.
103464	9393	Orrin H. Cook	....do	1863	3.
107859	463	Francis Carey, deceased; Richard C. Lewis, administrator.	....do	1864	90.
96746	502	Central Pacific Railroad Company	....do	1888	4.
106163	9673	John C. Delemont (in part)	....do	1887	71.
107859	463	William Daily, deceased; Richard C. Lewis, administrator.	....do	1864	25.
105615	9463	Elisha Folk, true name Elijah Folks.	....do	1863	5.
108768	9471	William Fields	....do	1863	1.
109139	9624	Arthur Felton	....do	1863	2.
107859	463	Galem Gillis, deceased; Richard C. Lewis, administrator.	....do	1864	16.

a Sub. sett.
b See commutation of rations.
c Quartermaster.
d See subsistence of the Army.
e See barracks and quarters and regimental supplies, Subsistence Department.
f See incidental expenses.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
a26500	576	James M. Gales	Incidental expenses, Quartermaster's Department (certified claims).	1863	$22.75
103683	9070	Charles J. Hall	....do	1862	42.40
Transfer	4195	George R. Hunter	....do	1886	46.20
107859	463	Josiah Howe, deceased; Richard C. Lewis, administrator.	....do	1864	20.84
107859	463	Isaac Hopkins, deceased; Richard C. Lewis, administrator.	....do	1864	17.50
107859	463	Christian Hersty, deceased; Richard C. Lewis, administrator.	....do	1864	27.00
109238	558	Austin E. A. Haseltine	....do	1886-1887	65.10
108931	100	Wells Jordan	....do	1863	31.31
107859	463	Matthew Jones, deceased; Richard C. Lewis, administrator.	....do	1864	16.29
107859	463	Benjamin Kell, deceased; Richard C. Lewis, administrator.	....do	1864	14.09
107584	8709	T. D. Lockwood	....do	1887	30.00
110426	137	Robert Lewis	....do	1863	2.33
109404	267	James Mehan	....do	1888	7.35
111050	437	W. M. Maynadier, major and paymaster, U. S. Army.	....do	1887	9.18
78405	9211	John Nesbitt	....do	1863	29.00
107859	463	Anthony Nichols, deceased; Richard C. Lewis, administrator.	....do	1864	14.64
109353	9725	Nathaniel Peck	....do	1863	6.75
108736	285	Henry Price, deceased; Mrs. Ann Price, widow.	....do	1864	30.83
109282	415	Robert Roy—true name, Robert Roya—deceased; Jane Churchal, Andrew Brown, Armstead Pendleton, and Jessie Ruffin, brothers and sisters.	....do	1865	82.00
107859	463	Thomas Ravnor, deceased; Richard C. Lewis, administrator.	....do	1864	23.04
109797	507	John P. Reynolds	....do	1863	5.20
109183	509	Michael Regan	....do	1888	8.05
105191	8736	George Shuler	....do	1862	7.50
39104	8987	Mac Smart	....do	1863-1864	52.22
106943	9000	Jackson Stewart, deceased; Rebecca Stewart, widow.	....do	1866	34.67
Transfer	4294	Albert D. Searl, lieutenant Ninth Kansas Cavalry.	....do	1877	9.93
108041	21	Miles Scott	....do	1863	4.00
108531	55	Allen Sawyer	....do	1865	25.00
101131	422	Billy Smith; true name, William Smith.	....do	1864	10.00
107859	463	John Shay, deceased; Richard C. Lewis, administrator.	....do	1864	30.00
109181	9773	Allen Taylor, deceased; Cherry A. Rouch and Hannah Butts, daughters.	....do	1863	31.34
96746	562	Union Pacific Rwy. Co	....do	1888	7.24
99967	563	....do	....do	1888	1.69
107712	286	Henry Wallace	....do	1864	42.66
107859	463	Benjamin White, deceased, Richard C. Lewis, administrator.	....do	1864	19.04
96746	562	Western Union Telegraph Co	....do	1888	15.61
99967	563	....do	....do	1888	.82
101775	9623	Matthew York	....do	1864	11.73
		Total			1,087.85
b108474	9399	Atchison, Topeka and Santa Fé R. R. Co.	Army transportation, certified claims.	1888	57.80
b109178	9782	....do	....do	1888	29.33
b109517	9816	....do	....do	1887	10.14
b110480	208	....do	....do	1883-1884	347.06
109950	376	....do	....do	1884	9.65
80831	9206	Fleming Burns (true name Fleming-Beirne).	....do	1864	33.67
108889	9466	Baltimore and Ohio R. R. Co (in part)	....do	1885-1886	10.91

a See regular supplies. b See 50 per cent of arrears.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
109726	9853	Barron, Oscar G	Army transportation, certified claims.	1883	[illegible]
109727	9854	Barron, Merrill & Barron	do	1883	4.[illegible]
107641	9066	Chicago, Rock Island and Pacific Rwy. Co.	do	1887	261.97
107872	9208	John Conover	do	1885	26.[illegible]
a108321 to 108324	9459	Chicago, Rock Island and Pacific Rwy. Co.	do	1888	489.79
108925	9464	Central Railroad and Banking Company of Georgia.	do	1880	1.79
107971	9532	David Churchman	do	1885	8.00
108377	9646	Daniel Cook, true name Daniel Rock, deceased; Susan Rock, mother.	do	1864	25.[illegible]
109637	9838	California Southern R. R. Co.	do	1888	168.[illegible]
b110176	2	Cleveland, Cincinnati, Chicago and St. Louis Rwy. Co.	do	1888	5.[illegible]
108532	28	Randolph Carter	do	1864	72.45
109636	199	California Central Rwy. Co	do	1888	58.[illegible]
109410	9739	Denver, Texas and Fort Worth R. R. Co.	do	1888	2.[illegible]
b110079	3	Duluth, South Shore and Atlantic Rwy. Co.	do	1888	.[illegible]
12465	9069	Isaac Ferguson, deceased; Ida Ferguson, daughter.	do	1863	[illegible]
101601	9721	Galveston, Harrisburg and San Antonio Rwy. Co.	do	1888	28.[illegible]
110225	18	Glendive and Buford Stage Line, John L. Burns, proprietor.	do	1887	10.00
106060	8860	E. M. Hill	do	1863	[illegible]
b109564	9820	Hannibal and St. Joseph R. R. Co.	do	1888	.43
110874	293	Emmett Hawkins	do	1887	12.[illegible]
108448	9376	Jacksonville, Tampa and Key West Rwy. Co.	do	1888	1.[illegible]
101799	9[illegible]1	Peter Jones	do	1865	5.60
108891 108892	9467	Jacksonville, St. Augustine and Halifax River Rwy. Co	do	1885-1886	3.17
106762	9273	Annie R. Kohlwey, deceased; William H. Kohlwey, administrator.	do	1861, 1865	[illegible]
107753	9029	James McGrey	do	1863	24.00
10284	9072	Greenville Mitchell	do	1864	40.00
108822	10000	Benjamin K. Mull	do	1864	4.[illegible]
107799	516	William J. McCleary	do	1865	43.17
b108 26	9468	Mobile and Ohio R. R. Co.	do	1888	2.56
108978 109063	9560	New York Central and Hudson River R. R. Co. (in part)	do	1888	7.[illegible]
103919	9064	Jesse M. Ogden	do	1863	10.66
107756	9187	Oregon Short Line Rwy. Co. (lessee of the Oregon Rwy. and Navigation Co.).	do	1887	2,884.47
111260	460	Ocean Steam-ship Company of Savannah.	do	1888	13.91
108928	9469	Ohio and Mississippi Rwy. Co	do	1888	[illegible]
107665	9492	Alfred Pinkney	do	1864	[illegible]
39581	9030	Peter Smartt	do	1864	[illegible]
108929	9470	Crawford Stillwell, true name, M. Crawford Stillwell.	do	1863	[illegible]
101601	9721	Southern Pacific R. R. Co. of California (in part).	do	1888	5,[illegible]
101601	9721	Southern Pacific R. R. Co. of Arizona (in part).	do	1888	2,911.[illegible]
101601	9721	Southern Pacific R. R. Co. of New Mexico (in part).	do	1888	2,[illegible]
101673	196	Southern Pacific R. R. Co. of California (in part).	do	1888	181.[illegible]
101673	196	Southern Pacific R. R. Co. of Arizona (in part).	do	1888	[illegible]
101673	196	Southern Pacific R. R. Co. of New Mexico (in part).	do	1888	1,161.[illegible]
78741	9001	William Timlick (true name George William Timbleck).	do	1865, 1866	[illegible]
105548	9065	William Thomas, deceased; Belle Belden, administratrix.	do	1862	[illegible]

a See Army transportation, 1889. b See 50 per cent. of arrears.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
104585	9395	James F. Thompson	Army transportation, certified claims.	1865	$22.50
a110817	255	The Tribune Publishing Co.; J. H. Morrow, treasurer.	do	1888	5.75
108640	9999	Brown Webb, deceased; Hardy Webb, father.	do	1864	6.06
106124	402	James K. Whittaker	do	1864	27.00
(b)	3718	Henry F. Williams, lieutenant First Michigan Engineers, A. A. Q. M.	do	1877	306.50
		Total			17,104.22
106593	8889	Atchison, Topeka and Santa Fé R. R. Co.	Army transportation	1889	5,772.63
108066	9037	do	do	1889	2,202.79
106494	8014	do	do	1889	222.66
107828	9117	do	do	1889	35.67
107947	9228	do	do	1889	1,132.78
107579	9334	do	do	1889	9,153.43
108325	9344	do	do	1889	2,173.48
109520	9837	do	do	1889	4,025.05
109082	9954	do	do	1889	5,471.81
110081	9998	do	do	1889	703.84
109951	251	do	do	1889	2,153.96
109981	252	do	do	1889	28.09
108045	9369	do	do	1889	3,032.35
106381	9336	Baltimore and Ohio R. R. Co.	do	1889	67.58
109143	9573	Burlington and Missouri River R. R. Co. in Nebraska.	do	1889	7.97
108979	9688	Baltimore and Ohio R. R. Co.	do	1889	898.20
107621	8908	Chicago, St. Paul, Minneapolis and Omaha Rwy. Co.	do	1889	782.96
107431	9079	Chicago, Burlington and Quincy R. R. Co.	do	1889	37.81
107794	9106	Chicago and Alton R. R. Co	do	1889	80.86
106745	9103	Chicago, St. Paul, Minneapolis and Omaha Rwy. Co.	do	1889	539.99
107832	9119	do	do	1889	786.81
107861	9120	Chicago, St. Louis and Pittsburgh R. R. Co.	do	1889	11.37
108098	9137	Chicago, St. Paul, Minneapolis and Omaha Rwy. Co.	do	1889	19.70
107643	9154	Chicago, Rock Island and Pacific Rwy. Co.	do	1889	3,121.94
108382	9374	Chicago, St. Paul, Minneapolis and Omaha Rwy. Co.	do	1889	354.30
108358	9375	Chicago and Northwestern Rwy. Co.	do	1889	154.30
c108251	9395	Chicago, Burlington and Quincy R. R. Co.	do	1889	495.00
108149, 108321 to 108324	9459	Chicago, Rock Island and Pacific Rwy. Co.	do	1889	1,538.92
108839	9481	do	do	1889	99.19
108001	9530	do	do	1889	4,804.78
109026, 109089	9589	Chicago, Burlington and Quincy R. R. Co	do	1889	305.03
109436	9783	Chicago, Rock Island and Pacific Rwy. Co.	do	1889	325.01
109432	9793	do	do	1889	156.08
108338	9804	do	do	1889	2,326.08
109349	9817	Chicago and Northwestern Rwy. Co.	do	1889	68.80
109673	9855	Chicago, Milwaukee and St. Paul Rwy. Co. (in part).	do	1889	416.62
109671	9839	Chicago, Milwaukee and St. Paul Rwy. Co.	do	1889	114.95
108002	9186	Chicago, Milwaukee and St. Paul Rwy. Co. (in part).	do	1889	1,466.05
109286	266	Chicago and Northwestern Rwy. Co.	do	1889	499.53
107862	9107	Denver, Texas and Fort Worth R. R. Co.	do	1889	137.56
107795	9121	Fremont, Elkhorn and Missouri Valley R. R. Co.	do	1889	19.28

a See construction and repair of hospitals.
b Q. M. Sett.
c See Army transportation for 1888.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
107826	9122	Fremont, Elkhorn and Missouri Valley R. R. Co.	Army transportation	1889	[illegible]
108383	9397	do	do	1889	[illegible]
109519	9818	do	do	1889	[illegible]
109567	9819	Fort Worth and Denver City Rwy. Co.	do	1889	[illegible]
107755	9108	Gulf, Colorado and Santa Fé Rwy. Co.	do	1889	[illegible]
107465	9082	Hannibal and St. Joseph R. R. Co.	do	1889	[illegible]
108863	9582	Hannibal and St. Joseph R. R. Co.	do	1889	[illegible]
109021	9602	John Hunton	do	1889	
109348	9740	Hannibal and St. Joseph R. R. Co.	do	1889	[illegible]
108047	9174	International and Great Northern R. R. Co.	do	1889	[illegible]
110190	19	do	do	1889	[illegible]
109518	9741	Kansas City, Fort Scott and Memphis R. R. Co.	do	1889	
107587	8862	Lake Michigan and Lake Superior Transportation Co.	do	1889	[illegible]
107483	9063	L. A. Loomis	do	1889	[illegible]
110175	12	Louisville and Nashville R. R. Co.	do	1889	[illegible]
107874	8911	Missouri Pacific Rwy. Co.	do	1889	[illegible]
107080	8999	do	do	1889	[illegible]
107253	9038	do	do	1889	[illegible]
104058	9047	do	do	1889	[illegible]
107586	9068	do	do	1889	[illegible]
106743	9096	Missouri, Kansas, and Texas Rwy. Co.	do	1889	[illegible]
107160	8949	Missouri Pacific Rwy. Co.	do	1889	[illegible]
108100	9142	do	do	1889	[illegible]
108154	9166	do	do	1889	[illegible]
107310	9223	Paul McCormick	do	1889	[illegible]
106716	9509	Morgan's Louisiana and Texas R. R. and Steamship Co.	do	1889	[illegible]
106495	9531	do	do	1889	[illegible]
109085	9575	Missouri Pacific Rwy. Co.	do	1889	[illegible]
109409	9844	C. H. Mallory & Co.	do	1889	[illegible]
107931	8986	Missouri Pacific Rwy. Co. (in part)	do	1889	[illegible]
108556	122	Morgan's Louisiana and Texas R. R. and Steamship Co.	do	1889	[illegible]
108105	9143	New Mexico and Arizona R. R. Co.	do	1889	[illegible]
107947	9228	do	do	1889	[illegible]
107793	9126	Ohio and Mississippi Rwy. Co.	do	1889	[illegible]
108480	9337	do	do	1889	[illegible]
107373	9345	Oregon Short Line Rwy. Co., lessee of the Oregon Rwy. and Navigation Co.	do	1889	[illegible]
107564	9062	Pullman Palace Car Company	do	1889	[illegible]
108128	9127	St. Paul, Minneapolis and Manitoba Rwy. Co.	do	1889	[illegible]
108153	9185	do	do	1889	[illegible]
107030	9237	do	do	1889	[illegible]
106910	9260	do	do	1889	[illegible]
102911	8707	Southern Pacific R. R. Co. of California (in part).	do	1889	[illegible]
102911	8707	Southern Pacific R. R. Co. of Arizona (in part).	do	1889	[illegible]
102911	8707	Southern Pacific R. R. Co. of New Mexico (in part).	do	1889	[illegible]
107995	198	Southern Pacific R. R. Co. of California (in part).	do	1889	
107995	198	Southern Pacific R. R. Co. of Arizona (in part).	do	1889	
107995	198	Southern Pacific R. R. Co. of New Mexico (in part).	do	1889	
106498	205	Southern Pacific R. R. Co. of California (in part).	do	1889	[illegible]
106498	205	Southern Pacific R. R. Co. of Arizona (in part).	do	1889	[illegible]
106498	205	Southern Pacific R. R. Co. of New Mexico (in part).	do	1889	[illegible]
105663	282	Southern Pacific R. R. Co. of California (in part).	do	1889	[illegible]
105663	282	Southern Pacific R. R. Co. of Arizona (in part).	do	1889	[illegible]

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
105663	282	Southern Pacific R. R. Co. of New Mexico (in part).	Army transportation	1889	$3,928.19
110816	254	The San Diego Union Company, Andrew Pollock, Treasurer.	....do	1889	10.50
109563	9822	Western and Atlantic R. R. Co	....do	1889	21.57
		Total			112,941.50
110819	416	International and Great Northern R. R. Co.	Army transportation, 1890.	1890	2,585.73
110918	315	Missouri Pacific Ry. Co	....do	1890	2,506.18
111426	545	....do	....do	1890	1,458.03
107834	501	Oregon Short Line and Utah Northern Rwy. Co. (in part).	....do	1890	825.82
108482	577	....do	....do	1890	434.40
107585	612	....do	....do	1890	1,535.20
108433	654	....do	....do	1890	984.80
108557	660	....do	....do	1890	784.60
109672	220	Texas and Pacific Rwy. Co	....do	1890	1,214.81
		Total			12,329.57
98723	9103	Atchison, Topeka and Santa Fé R. R. Co.	Fifty per cent. of arrears of Army transportation due certain land-grant railroads (certified claims).	1888	2.48
a108474	9399	....do	....do	1888	27.65
a109178	9782	... do	....do	1888	6.33
a109517	9816	....do	....do	1887	33.43
a110480	208	....do	....do	1887	211.58
107251	8435	Cleveland, Cincinnati, Chicago and St. Louis Rwy. Co. (in part).	....do	1888	1.30
107642	9173	Chicago, Rock Island and Pacific Rwy. Co. (in part).	....do	1888	67.54
a110176	2	Cleveland, Cincinnati, Chicago and St. Louis Rwy. Co.	....do	1888	1.41
a110079	3	Duluth, South Shore and Atlantic Rwy. Co.	....do	1888	.12
110917	313	Florida Central and Peninsular R. R. Co.	....do	1888	.53
a109564	9820	Hannibal and St. Joseph R. R. Co	....do	1888	.33
107002	8507	Louisville and Nashville R. R. Co. (in part).	....do	1888	.81
111328	489	Mobile and Ohio R. R. Co	....do	1888	7.00
a108926	9468	... do	....do	1888	4.17
		Total			364.68
(b)	4461	Henry R. Brinkerhoff, lieutenant Fifteenth Infantry, U. S. Army.	Clothing camp and garrison equipage (certified claims).	1877	2.00
104519	8751	William A. Beckford	Horses for cavalry and artillery (certified claims).	1865	150.00
101888	9050	Martin F. Branson, deceased; Mrs. Lucinda Branson, mother.	....do	1863	140.00
104286	98	Charles H. Bullard	....do	1865	150.00
101739	8696	Lansing D. Collier, deceased; Charles L. Collier and Mrs. Mary Jennings, sole heirs at law.	....do	1865	140.00
102690	9392	Spencer J. Dyer	....do	1863	137.85
105216	560	Henry Higginson, deceased; Bettie Reeves, sister and sole heir.	....do	1864	175.00
107150	8752	L. H. Ives	....do	1865	40.00
104203	325	James A. Middleton	....do	1865	52.00
83284	8914	George H. Rogers, deceased; Laodicea Rogers, mother.	....do	1862	80.00
102282	8697	Jacob F. Surbrugg	....do	1863	100.00

a See Army transportation, 1888, and prior years.
b Quartermaster's settlement.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
104220	9993	George W. Steadman	Horses for cavalry and artillery (certified claims).	1864	[illegible]
105320	235	Joseph Schwarz	....do	1864	[illegible]
76400	8712	Morris A. Waldo	....do	1862	[illegible]
106113	8774	Robert W. Whitlow	....do	1865	[illegible]
		Total			1,682.[illegible]
44620	9989	A. M. Bastable, deceased; Milton Bastable, administrator.	Barracks and quarters (certified claims).	1861-1865	2,041.[illegible]
a17804	506	Guernsey County, Ohio	....do	1865-1866	[illegible]
55923	532	Presbyterian Church, Nolin Creek, Hardin County, Ky.	....do	1862-1865	[illegible]
40026	9669	George B. Ransone	....do	1863-1864	[illegible]
		Total			2,700.[illegible]
109798	9884	Oscar G. Barron	Signal Service transportation (certified claims).	1884	[illegible]
101094	9196	Central Pacific R. R. Co	....do	1888	[illegible]
108129	9138	Florida Central and Peninsular R. R. Co.	....do	1888	[illegible]
110818	312	....do	....do	1888	[illegible]
101094	9196	Galveston, Harrisburgh and San Antonio Rwy. Co.	....do	1888	[illegible]
108069	9024	Indian River Steam-boat Company	....do	1888	[illegible]
108061	9025	Jacksonville, Tampa and Key West Rwy. Co.	....do	1888	[illegible]
107754	9109	....do	....do	1888	[illegible]
107923	8861	Oregon Short Line Rwy. Co., lessee of the Oregon Rwy. and Navigation Co.	....do	1887	[illegible]
107930	9028	Nathan B. White (in part)	....do	1888	[illegible]
		Total			110,0[illegible]
103364	8695	William D. Bangs	Gun-boats on Western rivers (certified claims.)	1862	[illegible]
108326	9907	William H. Stetson, deceased; heirs of.	....do	1862	[illegible]
		Total			23,[illegible]
98333	284	Miles Benton, deceased; Abram Benton and Josie Griffin, children	Contingencies of fortifications (certified claims.)	1864	[illegible]
107560	99	Jesse Donaldson; true name, Jesse Donelson.	....do	1863	[illegible]
(b)	4841	John C. Fremont, major-general U. S. Army.	....do	1847	[illegible]
106888	9242	William Haley	....do	1863	[illegible]
106552	9604	Mark Hines; true name, Marcus Hines.	....do	1863	[illegible]
109280	120	Henry Hunter	....do	1863	[illegible]
110257	534	Joseph Lee; true name, Joe Lea	....do	1863	[illegible]
30863	310	Charles C. Mactavish, deceased; Marcella Mactavish, executrix.	....do	1865	1,770.[illegible]
106703	9726	James Patterson	....do	1863	[illegible]
106609	8809	James C. Spencer	....do	1861-1863	[illegible]
103167	9197	Robert Stokes	....do	1863	[illegible]
109536	493	Ned Smithage; true name, Ned Smithwick.	....do	1864	[illegible]
104941	9322	Alexander Williams	....do	1864	[illegible]
		Total			[illegible]
95463	8810	Central Pacific R. R. Co	Observation and report of storms (certified claims)	1887	[illegible]
96753	8812	....do	....do	1887	[illegible]
92557	8813	....do	....do	1886	[illegible]
95084	8843	....do	....do	1887	[illegible]
90739	8844	....do	....do	1886	[illegible]

a See R. S., Q. M. D., and R. S., Sub. Dept.
b Quartermaster.
c See also "Pay of claims," etc.,

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
90614	8848	Central Pacific R. R.	Observation and report of storms (certified claims)	1886	$101.05
97013	8864	....do	....do	1887	28.12
92885	8881	....do	....do	1887	95.95
96754	8882	....do	....do	1887	16.92
92943	9510	....do	....do	1887	115.12
90625	9603	....do	....do	1886	105.89
90155	9617	....do	....do	1886	108.34
92972 etc.	9882	....do	....do	1886	.08
91277, 91278	9883	....do	....do	1886	.41
95463	8810	Union Pacific Rwy Co	....do	1887	316.08
96753	8812	....do	....do	1887	146.52
92557	8813	....do	....do	1886	313.90
95084	8843	....do	....do	1887	300.37
90739	8844	....do	....do	1886	260.86
90614	8848	....do	....do	1886	264.18
97013	8864	....do	....do	1887	147.87
92885	8881	....do	....do	1887	274.33
96754	8882	....do	....do	1887	104.71
92943	9510	....do	....do	1887	301.55
90625	9603	....do	....do	1886	281.51
90155	9617	....do	....do	1886	268.31
92972 etc.	9882	....do	....do	1886	.46
91277, 91278	9883	....do	....do	1886	.53
95463	8810	Western Union Telegraph Co	....do	1887	1,139.42
96753	8812	....do	....do	1887	509.79
92557	8813	....do	....do	1886	1,042.51
95084	8843	....do	....do	1887	1,092.96
90739	8844	....do	....do	1886	770.17
90614	8848	....do	....do	1886	730.64
97013	8864	....do	....do	1887	625.49
92885	8881	....do	....do	1887	1,087.37
96754	8882	....do	....do	1887	335.29
92943	9510	....do	....do	1887	1,076.14
90625	9603	....do	....do	1886	781.48
90155	9617	....do	....do	1886	775.12
92972 etc.	9882	....do	....do	1886	4.27
91277, 91278	9883	....do	....do	1886	10.06
		Total			14,024.44
110773	307	St. Louis, Arkansas & Texas Rwy. Co.	Improving St. Francis River, Arknasas.		.34
a110817	255	The Tribune Publishing Co.; J. H. Morrow, treasurer.	Construction and repair of hospitals (certified claims).	1888	7.20
(b)	9982	State of Massachusetts	Refunding to States expenses incurred in raising volunteers, act July 27, 1861 (certified claims).	1861-1865	26,228.44
	380	State of Ohio	....do	1861-1865	1,775.40
(b)	9490	State of Pennsylvania	....do	1861-1865	7,546.83
		Total			35,550.67
(b)	197	State of Texas	Re-imbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882 (certified claims).	1865-1882	148,615.97
107870	9724	Benjamin F. Dyer, alias F. Dier	Twenty per cent. additional compensation (certified claims).	1867	103.60
106555	8866	A. Hurdle (true name Andrew J. Hurdle.)	....do	1867	164.26

a See Army transportation for 1888 and prior years.
b Reported to Secretary of Treasury in response to his verbal request, June 12, 1890. (Ex. Doc. 413.)

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
106557	9071	George Keithley	Twenty per cent. additional compensation (certified claims).	1867	881.65
108437	401	Jacob Kerper	do	1867	187.20
		Total			536.71
a5013	182	Shubel C. Achilles; W. C. Griswold, assignee.	Pay, transportation, services and supplies of Oregon and Washington volunteers in 1855 and 1856.	1855-1856	40.12
a5010	183	Andrew F. Byrd, deceased; Harvey A. Byrd, administrator.	do	1855-1856	91.00
a5010	183	John Bradley; Andrew F. Byrd, assignee.	do	1855-1856	210.14
a5023	184	John J. Buffington; W. C. Griswold, assignee.	do	1855-1856	83.81
a5015	189	Ignatius Colvin; W. C. Griswold, assignee.	do	1855-1856	20.00
a5018	9983	Augustus Delore	do	1855-1856	37.20
a5011	185	Martin Derr	do	1855-1856	38.00
a5021	186	George Dyer; J. H. Albert, assignee.	do	1855-1856	10.25
a5020	9987	George P. Gray	do	1855-1856	82.40
a5017	9985	Lafayette Hembree	do	1855-1856	36.40
a5014	187	W. S. Ladd	do	1855-1856	26.90
a5019	9986	Jacob Miller	do	1855-1856	27.80
a5022	9988	Thomas E. McKoin	do	1855-1856	163.59
a5024	192	W. N. Montgomery	do	1855-1856	105.25
a5016	9984	Joseph Spence, deceased; Charles McKay, administrator.	do	1855-1856	87.00
a5021	186	Conrad G. Saylor; J. H. Albert, assignee.	do	1855-1856	44.93
a5009	188	David C. Stewart	do	1855-1856	127.54
a5015	189	William D. Stillwell	do	1855-1856	36.40
a5007	190	Nathniel K. Sitton	do	1855-1856	23.22
a5012	193	William Turnage	do	1855-1856	10.44
a5008	191	John Orvis Waterman	do	1855-1856	24.53
		Total			1,325.14
(b)	4841	John C. Fremont, major-general U. S. Army (to be carried to his credit to balance another account; the actual balance now due and payable to the officer, $2,863.40, being reported under "Contingencies of fortifications").	Pay of claims adjudicated by Board of Officers, act August 5, 1854.	1862	74,769.48
68902	485	John Allen, alias Reeves	Commutation of rations to prisoners of war in rebel States and to soldiers on furlough (certified claims).	1865	55.00
66276	529	John W. Allen, deceased; S. R. Allen, father.	do	1864-1865	83.20
106575	640	Dewitt C. Ackerman	do	1865-1866	19.25
108015	678	Joseph Adams	do	1863	3.75
70037	681	Marvin C. Adams	do	1864	42.75
108558	366	James P. Beattie	do	1863	7.00
109119	424	James W. Burrel	do	1865	28.00
72041	461	Oliver P. Baker, deceased; John C. and Catharine J. Baker, parents.	do	1865	13.00
108742	472	Francis Brown	do	1863	7.25
107988	530	George W. Brown	do	1865	47.25
109862	531	Silas G. Burdick	do	1865	11.50
108453	554	John Bokemper	do	1863	21.50
109245	585	Thomas F. Bedford	do	1863	3.75
72754	635	James Buckmaster	do	1864	9.75
72725	636	Edwin J. Beverstock	do	1863	2.50
102332	641	Marion Brady	do	1862-1863	51.75
71694	367	Balis S. Carr	do	1863-1865	166.00
109590	384	William S. Cobun	do	1866	17.25
109802	642	Charles B. Campbell	do	1864	25.25

a Award. b Quartermaster.

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Names of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
111332	643	George A. Clarkson	Commutation of rations to prisoners of war in rebel States and to soldiers on furlough (certified claims).	1864	$12.25
72789	653	Joseph Cullison	do	1863	2.50
67913	679	James Craig	do	1863	3.00
107991	384	Charles D. Dickinson, deceased; Hattie Dickinson, widow.	do	1865	7.50
108330	586	Frederick M. Dunham, deceased; Mary E. Dunham, widow.	do	1864	14.25
108306	613	Benjamin C. Drake	do	1864	67.00
69641	637	Franklin G. Davenport	do	1864	10.50
69885	647	David C. Dickensheets	do	1865	23.00
107992	385	Hiram L. Eastman	do	1864	56.75
108048	680	Alfred B. Evans, deceased; Ellwood E. Evans, father.	do	1865	43.00
108024	411	Marshall P. Felch	do	1864	8.75
108492	588	Norman D. Fitch	do	1863	7.50
111294	589	George Flora	do	1864	15.00
72127	652	Wendling Fulmer	do	1865	59.00
108750	391	Anton Garthoeffner	do	1863	4.75
108749	408	James S. Graham	do	1864	40.00
108006	425	George W. Goss	do	1866	19.25
108138	496	Perry Gatewood	do	1865	5.00
109551	648	Harvey C. Genung	do	1864	7.50
70249	650	Charles Genson	do	1864	10.50
108008	371	Guy W. Hollister	do	1864	7.50
108139	392	Chrrles Hays	do	1865	83.25
108025	393	John A. Hendricks	do	1863	10.00
107975	394	George W. Harmon	do	1865	5.00
107911	412	William T. Humphrey	do	1864	28.75
108681	426	John W. Hicks	do	1865	11.25
109210	428	John Huntington	do	1865	15.75
69438	429	Thomas J. Heald	do	1864	48.25
107444	445	Philip Hempler, deceased; Sophia Hempler, only child.	do	1865	30.25
108877	473	William M. Hodge	do	1864–1865	30.00
109871	495	Lucius F. Handy, deceased; Maria Handy, mother.	do	1864	40.25
108524	535	Samuel W. Hart	do	1863	24.25
107907	500	Marcus M. Hodge	do	1862–1864	24.75
109628	649	Sidney W. Harmon	do	1865	20.00
103771	661	Jacob T. Haight	do	1863	16.00
103968	676	John A. Hovey	do	1865	9.25
108009	370	Thomas Jones	do	1863	7.50
108907	627	Isaac N. Jakes	do	1864	150.25
108611	395	Jeptha King	do	1862	15.00
108113	413	Harrison Kniskern	do	1865	7.00
84957	372	Hollister Leach	do	1865	10.00
110384	587	Charles H. Laing	do	1863	.75
72921	667	Hezekiah Little	do	1863	6.50
72934	673	Anson Lyndes	do	1864	47.25
108030	683	John M. Leins	do	1865	9.25
107958	396	John W. McLain	do	1865	5.00
107960	407	Aaron Moore	do	1864	9.75
108117	505	Peter Martin	do	1864	7.50
107887	536	James McHenry, deceased, Bridget Waite, Catherine Kennedy, and Francis J. McHenry, only children	do	1864, 1865	31.25
107386	620	Lafayette McLaurine, deceased, Martha Bell and Caroline Bell, sisters.	do	1864	54.75
109303	621	Albert W. McMillan	do	1862	35.25
70238	638	George Masters	do	1862, 1863	38.25
108116	644	Myron M. Marshall	do	1864	7.50
108054	682	Cornelius K. Mellen	do	1863	9.50
72247	573	James Newton	do	1865	68.75
108032	677	John W. Noel	do	1863	5.50
108033	684	Egbert J. Olds	do	1865	2.25
108687	368	Richard Pierce	do	1863	9.50

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
107994	404	Heman Parish	Commutation of rations to prisoners of war in rebel States and to soldiers on furlough (certified claims).	1865	$1
106294 106296	486	Henry and Christopher Patton, deceased, George, Robert, and William Patton, Sarah and Margaret Pigman, and Judith Craft, of Hindman, Ky., James Patton, Jane and Caroline Gayhart, of Lackey, Ky., brothers and sisters.	do	1864, 1865	15
103974	504	Isaac Piers, deceased, Amanda J. Smith, Anna McLaughlin, Charles and John Piers, children.	do	1864, 1865	2
91555	574	John Peabody, deceased, Thomas H. Peabody, George Peabody, and Julia Cummins, brothers and sister	do	1864, 1865	4
108012	369	Henry C. Ratcliff	do	1863	
107939	414	John A. Rowan	do	1862	1
106136	446	Andrew Rice, deceased, Mary Smith, late widow, and George W. and Samuel W. Rice, children.	do	1864	
71552	537	Henry Robinson	do	1863	
109601	555	William J. Remington	do	1862	5
73011	663	Amos Reid	do	1863	
107636	668	John C. Reed, deceased, Emma J. Reed only child.	do	1864	90
107746	409	Gabriel Swihart, deceased, Anna M. Theile, Catharine Scantling, Elizabeth Thorp and Isaac Swihart, brother and sisters.	do	1862	49
109818	474	James B. Sneath	do	1865	43
107917	502	Joseph M. Squibb	do	1862, '3, '4	147
66177	503	Henry P. Stedman	do	1865	66
106157	538	James Srofe	do	1864	21
109377	572	John A. Smith	do	1865	14
108375	575	Sanford B. Sylvester	do	1862, 1863	82
107296	616	Homer Sherwood	do	1863	9
70433	622	Ambrose Seals	do	1863	5
70431	623	Joseph D. Stevenson	do	1863, 1864	40
69777	624	James S. Salsberry	do	1864	10
108035	628	James S. Sherer	do	1864	7
108373	629	Edford A. Stone	do	1862	27
73058	672	Peter Scott	do	1864	9
71396	373	Isaac Tolsom	do	1864, 1865	76
107919	410	William Thornton	do	1864	29
108165	510	Henry H. Twining	do	1864	7
108812	539	William Tosh	do	1865	4
108881	614	John C. Titus	do	1865	103
108832	625	Charles Tucker	do	1863	3
67326	639	John Tervey	do	1863	5
107965	405	Edward Vaughn	do	1864	7
107966	406	Caleb Worley	do	1864	8
70505	626	Thomas D. Williams, deceased, James and Marcy Williams, parents.	do	1863	13
71624	651	Ransom S. Wilshire	do	1864	15
72709	662	Harvey Woodard	do	1863	22
108725	674	Benjamin Wilson	do	1864	40
107967	427	Nathan Young	do	1864	7
108633	630	Henry Zweirbarth	do	1862, 1863	16
		Total			3,270

Allowed by the Third Auditor and Second Comptroller, under section 4, act of June 14, 1878.

No of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT.			
		CLAIMS.			
9043	.....	Henry L. Arnold	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes).	1863	$130.00
9543	.....	Washington Abbott	do	1862	135.50
9681	.....	William J. Ashlock	do	1861	125.00
9735	.....	Wiley C. Andrews	do	1864	133.00
9760	.....	Robert F. Allen	do	1863	175.00
9851	.....	J. J. Akard, administrator	do	1861	116.00
9823	.....	William Anderson	do	1863	115.00
478	.....	Andrew M. Anderson	do	1864	150.00
479	.....	John W. Armstrong	do	1862	123.00
512	.....	Robert D. Andreson or Anderson	do	1864	150.00
603	.....	Thomas A. Adkison	do	1863	127.06
645	.....	Ramon Cintiveras	do	1861	41.66
685	.....	George H. Arnold	do	1864	85.45
8754	.....	Lucinda Blanchard, widow	do	1863	100.00
8883	.....	James Baldwin	do	1861	74.00
8942	.....	William Barnaby	do	1848	75.00
8943	.....	do	do	1848	54.00
9073	.....	E. D. G. Bond	do	1864	149.43
9074	.....	do	do	1864	160.10
9246	.....	George Beacroft	do	1862	120.00
9247	.....	Edward J. Brown	do	1863	88.40
9284	.....	Charles Block	do	1862	121.00
9303	.....	Benjamin F. Blankenship	do	1862	114.80
9307	.....	Frederick Borsch	do	1862	109.43
9329	.....	John D. Brindley	do	1864	81.00
9427	.....	Harrison H. Brown	do	1862	150.00
9450	.....	Robert G. Burns	do	1864	137.60
9512	.....	Harrison Berdan	do	1864	105.00
9513	.....	do	do	1864	130.00
9600	.....	Nathaniel Burns	do	1862	111.00
9621	.....	Jesse Brainard	do	1863	150.00
9647	.....	Harvey Biggerstaff	do	1862	.88
9765	.....	Charles W. Brenton	do	1861	125.00
9767	.....	Theodore Basch	do	1862	100.00
9811	.....	Christopher R. Blackall	do	1863	200.00
9812	.....	do	do	1863	75.00
9813	.....	do	do	1863	117.60
9826	.....	Charles C. Bangs	do	1847	43.65
9870	.....	Ambrose J. Breedon	do	1864	125.00
9963	.....	B. J. Borden	do	1865	200.00
145	.....	George F. Bang	do	1862	135.00
15	.....	Martha A. Broaddus, administratrix	do	1863	*150.00
291	.....	James Berry	do	1847	50.00
397	.....	John P. Bar	do	1846	35.00
399	.....	Giles Boland	do	1862	109.40
432	.....	Nathan Bennett	do	1864	93.72
454	.....	Felix G. Bannon	do	1863	140.00
457	.....	H. D. Burdick	do	1864	75.00
604	.....	William Berry	do	1863	150.00
605	.....	do	do	1863	125.00
606	.....	Daniel Benefiel, or Benefield, deceased, estate of	do	1863	109.40
671	.....	Andrew Blum	do	1864	200.00
7760	.....	Cornelius Callahan	do	1863	125.00
8726	.....	John M. Campbell	do	1862	120.00
8727	.....	Martin S. Cisco	do	1864	100.00
8728	.....	Joseph Coy	do	1862	100.00
8729	.....	D. R. Clendenin	do	1863	200.00
8746	.....	Thomas Cleland	do	1863	125.00
8767	.....	Richard E. Caldwell	do	1864	125.00
8945	.....	William H. H. Cundiff	do	1864	125.00
8946	.....	Andrew E. Coldron, administrator	do	1862	139.81
8982	.....	Jasper Creal	do	1863	162.06
9110	.....	John Cahil	do	1862	111.00
9111	.....	Cornelius Callahan	do	1862	68.00
9286	.....	Hugh C. Connell	do	1863	60.00
9304	.....	Emily A. Clemmons, widow	do	1847	96.00
9451	.....	Sallie C. Conn, administratrix	do	1862	200.00

Allowed by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
9601	.....	George N. Cook	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes).	1863	$97.
9761	.....	Patrick Cosgrove	do	1864	165
9831	.....	John Y. Cross	do	1864	140
9950	.....	James Campbell	do	1862	129
9996	.....	Henry A. Chase	do	1865	110
194	.....	Simon P. Currier	do	1864	165
9792	.....	Harriet Chur, administratrix	do	1862	135
308	.....	Jerusha Cunningham, widow	do	1863	96
382	.....	William H. Clark	do	1863	100
433	.....	James I. Christiancy	do	1864	200
434	.....	Amanda Courtney, widow	do	1864	64
517	.....	Edwin or Edmon L. Clark	do	1862	80
518	.....	do	do	1862	78
519	.....	do	do	1863	83
543	.....	Thomas S. Cogley	do	1865	200
594	.....	Charles C. Chase	do	1864	168
595	.....	Winfield S. Collins, deceased, estate of	do	1864	200
8814	.....	Cicero G. Davis	do	1863	122
8983	.....	Douglas Dewitt, administrator	do	1862	95
9308	.....	William Douglas	do	1864	125
9514	.....	James Dorsey	do	1864	160
9648	.....	Frank A. Du Bois	do	1864	200
9814	.....	H. H. Deckard, administrator	do	1863	87
9851	.....	George W. Davis	do	1862	150
9928	.....	Joseph M. Day, administrator	do	1864	120
9929	.....	George N. Dutcher	do	1863	178
9930	.....	do	do	1863	187
9962	.....	William A. Dew	do	1862	116
309	.....	John Davis, administrator	do	1863	135
569	.....	John W. Daily	do	1862	148
607	.....	Jiles Daniel	do	1863	133
238	.....	John W. Dorsette, deceased, estate of	do	1863	150
8730	.....	C. W, Ekengren	do	1563	71
9736	.....	Isaiah Elston	do	1863	99
9790	.....	Monroe Evans	do	1864	168
239	.....	James A. Elwell	do	1862	142
500	.....	William H. Egle	do	1865	200
8731	.....	Frank J. Foster	do	1864	151
9031	.....	George A. Forsyth	do	1862	110
9046	.....	Mariette E. Finney, administratrix	do	1865	185
9167	.....	James Ford	do	1863	112
9287	.....	George E. Faiss	do	1863	114
9312	.....	Josiah Fulford	do	1863	144
9619	.....	George W. Fletcher	do	1862	112
9670	.....	John M. French, administrator	do	1863	178
9682	.....	Samuel T. Ferrier	do	1864	200
9716	.....	George W. Farling	do	1862	120
9825	.....	Jacob S. Fritts, administrator	do	1863	150
357	.....	Charles H. Farr	do	1862	39
436	.....	Henry H. Fishbach	do	1864	67
525	.....	Catherine Funke, administratrix	do	1863	200
655	.....	Juaquin Fernandez	do	1861	54
16	.....	Adam C. Fowler, deceased, estate of	do	1863	175
465	.....	Albertus J. Feidt	do	1864	184
596	.....	Thomas C. Fitzgibbon, deceased, estate of	do	*1863	200
419	.....	Jesse Fry, deceased, estate of	do	1862	112
8761	.....	Samuel L. Griggs	do	1862	123
9033	.....	James H. E. Guest	do	1864	166
9076	.....	Oliver Gard	do	1862	75
9210	.....	George Green	do	1864	200
9324	.....	Joseph S. Gage	do	1864	180
9326	.....	George W. Green	do	1862	100
9327	.....	Fannie R. Green, administratrix	do	1863	144
9541	.....	Lucinda Jane Gaddey, widow	do	1862	14
9598	.....	Eli George	do	1861	125
9622	.....	William Graham	do	1862	147
9687	.....	Ira R. Gifford	do	1863	200
9871	.....	Lewis W. Gilbert	do	1864	130
56	.....	W. C. Griswold, administrator	do	1856	150

Allowed by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
9869	.....	Mary Gilbert, widow	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statues.	1863	$100.00
466	.....	John W. Garner	do	1864	148.18
468	.....	James Gilluly	do	1864	165.00
26	.....	George A. Gowin, deceased, estate of	do	1862	173.78
631	.....	George Gleser, deceased, estate of	do	1864	181.83
339	.....	James N. Gammill, deceased, estate of.	do	1862	105.00
8732	.....	Paul H. Hill	do	1863	200.00
8762	.....	J. M. Hoopes	do	1864	125.00
8763	.....	do	do	1864	100.00
8764	.....	Henry C. Huston, administrator	do	1863	200.00
8845	.....	Josiah M. Hopkins	do	1863	96.80
8984	.....	Nicholas B. Hocker	do	1862	102.78
9042	.....	William H. Hinds	do	1863	72.00
9014	.....	Ephraim F. Hays	do	1864	175.00
9168	.....	Varnum H. Hill	do	1864	200.00
9261	.....	Rebecca E. Halley, widow	do	1864	125.00
9349	.....	Tilman G. Harmon	do	1863	65.00
9351	.....	Henry Howes, administrator	do	1864	121.18
9390	.....	William A. Hotchkiss	do	1862	200.00
9391	.....	do	do	1863	180.83
9422	.....	Josiah Hall	do	1863	200.00
9423	.....	Andrew J. Hooten	do	1863	110.00
9452	.....	David Horn	do	1862	79.20
9577	.....	Charles A. Hannomann	do	1865	175.00
9578	.....	James M. Hall	do	1864	110.00
9641	.....	Thomas F. Henderson	do	1864	100.00
9737	.....	Jesse Hunt	do	1863	147.68
9807	.....	John S. Humphreys	do	1863	150.00
9808	.....	Stephen Howard	do	1863	95.00
9805	.....	Robert H. Hook, administrator	do	1862	182.00
9806	.....	do	do	1863	132.40
417	.....	Edward Hayes	do	1864	200.00
418	.....	do	do	1864	175.00
469	.....	Henry Higgins	do	1864	173.85
592	.....	Dudley L. Haywood	do	1864	185.00
593	.....	do	do	1865	160.00
358	.....	Wilson T. Holman, deceased, estate of.	do	1864	123.18
448	.....	John Hughes, deceased, estate of	do	1863	152.25
449	.....	do	do	1863	152.73
8765	.....	Jackson Ivy	do	1864	78.40
455	.....	John W. Isham	do	1863	125.00
484	.....	James B. Irwin	do	1864	100.00
9077	.....	Peter F. Jackson	do	1864	96.00
9078	.....	George G. Jameson	do	1864	132.50
9169	.....	Frank Jageman	do	1862	119.60
9231	.....	Andrew Judah (or Judith)	do	1864	90.00
9649	.....	Levi Jaggers	do	1864	115.00
9683	.....	Eliza L. Jackson, administratrix	do	1863	150.60
9684	.....	James B. Jewett	do	1865	125.00
146	.....	James A. Jones	do	1863	157.75
524	.....	Harriet Johnston, lately widow and administratrix.	do	1864	200.00
597	.....	Agident (or Ebenezer Agident) Johnson.	do	1862	85.00
598	.....	do	do	1862	90.00
544	.....	John Johnson, deceased, estate of	do	1864	200.00
9170	.....	Valentine Koehler	do	1864	175.00
9189	.....	James E. King	do	1863	98.80
9288	.....	Frederick Kullman	do	1862	30.00
9424	.....	Joseph L. Koonce	do	1864	140.00
9480	.....	Seaborn F. Kennamer	do	1865	36.00
9503	.....	Frederick Kruetzmacher	do	1864	100.00
9685	.....	Charles L. King	do	1862	120.83
9762	.....	George H. Kensell	do	1862	109.40
9763	.....	do	do	1862	148.80
9832	.....	Jacob Kelley	do	1863	150.00
483	.....	John A. Kerns	do	1862	63.00
8903	.....	Marion Lee	do	1863	100.00

Allowed by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
9248	.....	Leon S. Loizeaux, administrator	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes.	1862	$1
9420	.....	William T. Lewis	do	1864	1
9421	.....	do	do	1864	5
9766	.....	Nancy A. Long, administratrix	do	1864	1
9803	.....	Henry Leaming	do	1864	1
9827	.....	K. A. Lovell, administrator	do	1864	2
9686	.....	Karoline Lieske, administratrix	do	1863	1
9974	.....	John P. Logan	do	1864	
27	.....	Margaret Laughren, administratrix	do	1864	2
195	.....	Josephine Lewis, administratrix	do	1864	1
280	.....	James M. Lane	do	1863	1
9835	.....	Burrel Lowry, administrator	do	1863	1
453	.....	William W. Lamb	do	1864	2
168	.....	Ida Z. Lemon, administratrix	do	1863	1
578	.....	John H. Lozier	do	1862	1
656	.....	Pedro Antonio Lopez	do	1861	
9599	.....	Benjamin F. Lawrence, deceased; estate of	do	1863	
222	.....	Valentine Lair, deceased; estate of	do	1862	
8747	.....	John W. McCrath	do	1864	1
9289	.....	William R. McClore, or McClure	do	1863	1
9325	.....	Robert G. McKay	do	1862	1
9371	.....	Archibald E. McNeall	do	1863	1
9487	.....	Raleigh McDonald	do	1862	
9540	.....	William H. McCain	do	1863	
9579	.....	Hiram A. McCartney	do	1863	1
9580	.....	do	do	1864	1
9642	.....	William H. McCormick	do	1863	1
9809	.....	John McNeel	do	1863	
435	.....	John McTaggart	do	1862	1
8884	.....	William N. Mitchell	do	1862	1
8996	.....	William T. Maxwell	do	1864	1
9032	.....	Martin Moore	do	1862	1
9041	.....	F. Le B. Monroe	do	1863	1
9232	.....	John A. Marchant, administrator	do	1863	1
9305	.....	Sarah C. Moore, administratrix	do	1863	2
9306	.....	James B. Miller	do	1861	1
9328	.....	Joseph F. Marshall, administrator	do	1863	1
9486	.....	Joseph W. Mapes	do	1862	1
9542	.....	Susan J. Miller, widow	do	1863	1
9650	.....	L. V. S. Mattison	do	1865	1
9717	.....	W. M. Morrow	do	1864	1
9732	.....	James Morgan	do	1863	1
9768	.....	Eliza Malden, widow	do	1862	
9830	.....	Harry P. Merrill	do	1864	
9872	.....	William R. Maddock	do	1864	
9924	.....	Jesse Mazingo	do	1862	
9997	.....	W. R. Martin, administrator	do	1862	
522	.....	Albert Muntzell	do	1862	
608	.....	Isaac N. Mitchell	do	1863	
223	.....	Charles M. Mason, deceased; estate of.	do	1862	
17	.....	George Moore, administrator	do	1862	
8997	.....	Simon M. Newsom	do	1862	
9035	.....	Daniel D. Nash	do	1864	
9040	.....	E. W. Newell	do	1863	
9100	.....	William Nevin	do	1864	
9488	.....	William E. Nichols	do	1862	
147	.....	John W. Newton	do	1863	
159	.....	do	do	1863	
452	.....	William A. Nichols	do	1862	
456	.....	Elois J. Nichols	do	1864	
579	.....	Andrew J. Newgent	do	1863	
617	.....	Robert C. Nichols	do	1863	
8947	.....	Tarandocty Owens, administratrix	do	1862	
9372	.....	William T. Ogle	do	1864	
9373	.....	do	do	1864	
9764	.....	Andrew Osborn	do	1864	
580	.....	Michael H. Owsley	do	1862	
581	.....	Angus O'Daniel	do	1863	

Allowed by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
632	.....	Henry J. Otto	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes.	1863	$28.20
359	.....	Joseph Osterman, deceased; estate of.	....do	1863	95.43
669	.....	August Ostmann	....do	1862	70.00
8904	.....	M. C. Price	....do	1861	70.00
8941	.....	James G. Perry	....do	1863	100.00
8998	.....	Isaac N. Peters	....do	1863	71.00
9155	.....	Albert Pearson	....do	1865	175.00
9333	.....	Frederick R. Poole	....do	1863	200.00
9350	.....	William Prescott	....do	1862	172.78
9425	.....	Elliott Pyle	....do	1864	100.00
9428	.....	J. G. Patton	....do	1862	184.60
9544	.....	James Price	....do	1863	150.00
9643	.....	William M. Pierce	....do	1863	141.00
9644	.....	Benjamin H. Page, administrator	....do	1862	126.00
9671	.....	Matthew Palt	....do	1863	127.75
9672	.....	Frederick H. Patton	....do	1863	200.00
9733	.....	Geo. E. Pettus, administrator	....do	1862	162.98
9769	.....	John A. Potts, administrator	....do	1863	175.00
9810	.....	George F. Pond	....do	1863	146.00
9873	.....	P. J. Payne	....do	1864	200.00
171	.....	Lafayette W. Pauley	....do	1865	125.00
340	.....	Thomas Pryor	....do	1863	110.00
686	.....	William F. Plunkett	....do	1862	70.00
657	.....	Wesley Queen	....do	1863	46.00
8766	.....	Thomas Roe	....do	1864	94.00
8768	.....	John Roseberry	....do	1862	137.20
8815	.....	Rufus A. Rhodes	....do	1862	150.00
9034	.....	William H. Ray	....do	1863	135.00
9290	.....	Samuel K. Rhorer	....do	1863	150.00
9449	.....	C. M. Rawlings, administrator	....do	1863	153.10
9925	.....	Charlotte A. Rains, lately widow	....do	1863	85.00
9951	.....	Andrew J. Roe	....do	1861	74.40
9994	.....	Charles F. Reed	....do	1863	100.00
9975	.....	Eliza F. Riley, administratrix	....do	1864	124.43
97	.....	Albert Robinson, administrator	....do	1863	102.78
148	.....	John L. Russell	....do	1862	200.00
261	.....	Daniel W. Richart	....do	1863	104.40
470	.....	John Ross	....do	1862	70.00
570	.....	John Reed	....do	1863	93.26
571	.....	....do	....do	1864	152.06
600	.....	Silas M. Rawson	....do	1864	174.93
609	.....	William J. Rice	....do	1863	123.80
618	.....	William D. Rennison	....do	1863	100.00
398	.....	John R. Rauch, administrator	....do	1876	200.00
8733	.....	B. F. Sherman	....do	1864	25.03
8748	.....	John Schreiber	....do	1863	108.40
8846	.....	Adam Sehnert	....do	1862	68.40
8885	.....	John S. W. Stevenson	....do	1862	71.20
8944	.....	John V. Srofe	....do	1863	125.00
9101	.....	William J. Skinner	....do	1862	75.00
9171	.....	Stephen Savage	....do	1863	132.00
9243	.....	James M. Simeral	....do	1862	175.00
9244	.....	....do	....do	1862	200.00
9245	.....	....do	....do	1862	130.00
9285	.....	Erastus M. Stevens	....do	1864	115.00
9291	.....	Bertha Stoll, administratrix	....do	1864	125.00
9313	.....	Joseph or Joseph E. Snyder	....do	1864	200.00
9389	.....	Vincent Strickfaden	....do	1863	89.25
9489	.....	William M. Smith	....do	1847	50.00
9515	.....	A. V. Sloan	....do	1862	200.00
9516	.....	C. C. Sage	....do	1861	76.00
9581	.....	Allen Simeral	....do	1863	113.00
9645	.....	James M. Smith	....do	1865	100.00
9718	.....	Samuel T. Soobee, administrator	....do	1862	96.40
9719	.....	Charles Saalman	....do	1864	125.00
9828	.....	Thomas R. Satterfield	....do	1863	150.00
9834	.....	Marcus A. Schoales	....do	1863	199.30
9909	.....	Martin A. Steele	....do	1864	125.00
9926	.....	Charles Stoker	....do	1863	125.00

Allowed by the Third Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
9995	.....	George W. Scott	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes.	1864	$100
202	.....	B. P. Sloan	do	1863	200
290	.....	Philo K. Stoddard	do	1865	27
306	.....	Peter K. Sims	do	1862	36
450	.....	Frank B. Smith	do	1862	150
451	.....	do	do	1864	200
471	.....	Samuel S. Sumner	do	1862	150
523	.....	Thomas Shaffer	do	1863	200
526	.....	Daniel E. Stearns	do	1866	150
527	.....	do	do	1866	150
611	.....	James W. Savage	do	1864	125
262	.....	Joseph Schwarz, administrator	do	1863	109
633	.....	Joseph Spiegelhalter	do	1864	130
658	.....	William H. Snodgrass	do	1864	115
659	.....	James T. Stevenson	do	1863	98
9330	.....	Jas. W. Stewart, deceased, estate of	do	1864	150
9331	.....	do	do	1864	150
9332	.....	do	do	1864	150
9333	.....	do	do	1864	172
150	.....	James H. Short, deceased, estate of	do	1862	50
169	.....	Wm. H. Snyder, deceased, estate of	do	1863	117
610	.....	William Stanley, deceased, estate of	do	1862	104
670	.....	Joseph W. Skelton	do	1865	200
8769	.....	Charles W. Tozier	do	1864	56
9045	.....	Henry F. Turner	do	1864	159
9292	.....	Cornelius C. Thompson	do	1863	200
9501	.....	James D. Thompson	do	1862	120
9502	.....	Alfred D. Tyson	do	1863	137
9886	.....	William Tracy	do	1861	100
9946	.....	Joseph F. Twitchell	do	1864	200
9	.....	James C. Toy	do	1865	200
203	.....	Porter S. Tinan	do	1864	130
240	.....	Robert N. Toler	do	1862	73
241	.....	do	do	1863	89
599	.....	Wilford Throgmorton	do	1863	100
619	.....	Waddy Thompson, or Thomson	do	1864	96
129	.....	Jonathan Tullis, deceased; estate of	do	1863	67
9734	.....	James K. Van Doren	do	1862	120
9852	.....	Isaac Vanhorn, administrator	do	1863	120
9947	.....	Caperton Vincent	do	1862	120
170	.....	Henry Van Aernam	do	1863	150
292	.....	do	do	1864	140
480	.....	Joseph B. Van Eaton	do	1863	171
634	.....	John F. Venard	do	1863	130
8770	.....	Marcellus (or Morris J.) Winston	do	1861	200
9075	.....	Aquilla Wiley	do	1863	22
9172	.....	George F. Warner	do	1864	176
9302	.....	James Wolfinger, administrator	do	1863	93
9370	.....	Jennie T. Weir, administratrix	do	1864	125
9426	.....	Elisha S. Williams	do	1862	125
9443	.....	Hiram H. Wise	do	1862	130
9504	.....	C. C. Wilcox	do	1863	140
9517	.....	William Wood	do	1863	114
9620	.....	George Wüst, administrator	do	1862	105
9770	.....	William B. Williams	do	1863	150
9829	.....	Thomas E. Willett	do	1862	135
9836	.....	H. G. O. Weymouth	do	1864	200
9923	.....	Andrew J. West	do	1862	157
9948	.....	Milan Wagner, administrator	do	1863	103
9949	.....	do	do	1863	112
9961	.....	Charles E. Wentworth	do	1863	200
10	.....	Edwin H. Walker	do	1862	150
9791	.....	A. C. Walker, administrator	do	1863	59
130	.....	Hiram C. Walker	do	1862	157
131	.....	do	do	1862	125
132	.....	Jos. W. Wistar	do	1864	200
149	.....	Benjamin F. Woodworth	do	1862	113
204	.....	Charles W. E. Welty	do	1864	185
360	.....	Andrew B. Willis	do	1863	130

Reported by the Third Auditor and Second Comptroller, etc.—Continued.

No of certificate or claim.	No. of settlement.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
		WAR DEPARTMENT—Continued.			
		CLAIMS—continued.			
467	.....	Henry F. Warren	Horses and other property lost in the military service (certified claims), sections 3482, 3487, Revised Statutes.	1864	$143.60
481	.....	John P. Williams	do	1847	70.00
528	.....	Anton Wessing	do	1864	58.00
561	.....	Daniel Waymire	do	1864	135.00
646	.....	Henry C. Weaver	do	1863	150.00
237	.....	Archibald Wilson, deceased, estate of	do	1864	200.00
238	.....	do	do	1864	189.60
375	.....	Martin W. Watson, deceased, estate of.	do	1862	145.00
9927	.....	Simon D. Young	do	1862	47.28
482	.....	Harvey Yewell, deceased, estate of	do	1863	115.00
9156	.....	Theodore E. Zingre	do	1864	94.00
35 S. B.	374	David Miller, deceased; Mrs. Amanda F. Miller, administratrix. (Barge Jno. S. Richards.)	do	1849	600.00
		Total			54,599.73

RECAPITULATION OF WAR DEPARTMENT CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

Subsistence of the Army (certified claims)	$4,888.27
Regular supplies, quartermaster's department (certified claims)	288.68
Incidental expenses, quartermaster's department (certified claims)	1,087.85
Transportation of the Army and its supplies (certified claims)	17,101.22
Transportation of the Army and its supplies, 1889	112,941.59
Transportation of the Army and its supplies, 1890	12,320.57
Fifty per cent. of arrears of Army transportation due certain land-grant railroads (certified claims)	364.68
Clothing camp, and garrison equipage (certified claims)	2.00
Horses for cavalry and artillery (certified claims)	1,662.45
Barracks and quarters (certified claims)	2,709.00
Signal service, transportation (certified claims)	110.00
Gun-boats on western rivers (certified claims)	75.42
Contingencies of fortifications (certified claims)	5,545.88
Observation and report of storms (certified claims)	14,024.44
Improving St. Francis River, Arkansas	.34
Construction and repair of hospitals (certified claims)	7.20
Refunding to States expenses incurred in raising volunteers, act July 27, 1861 (certified claims)	35,550.67
Re-imbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, act June 27, 1882 (certified claims)	148,615.97
Twenty per cent. additional compensation (certified claims)	5.6.71
Pay, transportation, service and supplies of Oregon and Washington volunteers in 1855 and 1856 (certified claims)	1,325.14
Pay of claims adjudicated by board of officers, act of August 5, 1854	74,768.48
Commutation of rations to prisoners of war in rebel States and to soldiers on furlough (certified claims)	3,276.75
Horses and other property lost in the military service (certified claims)	54,599.73
Total	491,815.04

Reported by the Fourth Auditor and Second Comptroller under Section 2, Act of July 7, 1884 (23 Stat., p. 254).

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT.			
	CLAIMS.			
24	Joseph S. Anthony	Pay of the Navy (certified claims).	1865-1866	$21.90
26	Alfred Allen	do	1865-1866	24.81
33	Andrew Anderson	do	1882-1883	4.27
63	William E. Atwell	do	1862-1863	1.14
94	Donald (alias Daniel) Baxter	do	1865-1866	53.80
76	Charles Bondreau	do	1868-1869	11.25
79	Aneron Battison	do	1864-1865	47.1
73	Leandris Bonner	do	1866-1867	52.8
85	John Benson	do	1864-1865	38.4
49	William Brown	do	1864-1865	.4
226	Martin V. Bowers	do	1863-1864	143.9
108	Wesley M. Burke	do	1864-1865	64.2
157	James Boucher	do	1848-1849	229.7
114	Alonzo H. Baker	do	1864-1865	14.8
128	James J. Bray	do	1865-1866	27.08
96	Francis E. Barnes	do	1865-1866	85.42
89	Thomas Cummings, deceased, heirs of	do	1865-1866	34.95
153	John Coleman	do	1865-1866	59.53
71	John Cummings	do	1864-1865	175.98
95	John Canavin	do	1865-1866	26.62
93	James Crone	do	1864-1865	29.58
4419	C. W. Chauncey, deceased, heirs of	do	.....	20.00
156	George W. Codwise, deceased, heirs of	do	1883-1884	11.50
86	Josiah C. Chaffee, deceased, heirs of	do	1869-1870	91.34
106	Thomas W. Dandy	do	1864-1865	77.67
47	Patrick Dacey	do	1865-1866	83.64
6	Patrick Donohue	do	1865-1866	12.52
16	D. R. Ellis	do	1864-1865	43.97
36	James Ellis	do	1865-1866	60.22
54	John (alias Cranston) English,	do	1861-1862	72.90
18	John Evans	do	1865-1866	32.95
22	do	do	1887-1888	64.22
44	John Ferguson	do	1865-1866	96.52
91	Manuel Franklin	do	1864-1865	64.12
33	David Griffith	do	1865-1866	16.73
48	Samuel Guthrie	do	1865-1866	96.97
47	George Gallahue	do	1865-1866	27.20
39	George D. B. Glidden, deceased, heirs of	do	1881-1882	11.64
61	James R. Goodiel	do	1865-1866	29.45
67	Thomas Golden	do	1865-1866	27.80
8	Edward C. Grafton, deceased, heirs of	do	1875-1876	170.45
98	Henry P. Grace	do	1866-1867	69.35
105	Myles Gibbons, deceased, heirs of	do	1865-1866	61.92
99	Thomas Hanlon	do	1865-1866	47.95
89	John W. Hancock	do	1864-1865	22.43
93	C. M. Haden	do	1865-1866	41.43
62	Henry H. Hogg	do	1865-1866	99.64
59	Allan Hanson	do	1865-1866	71.60
241	Edward W. Holmes, alias Bernard O'Hara	do	1863-1864	9.09
76	Richard Hyland	do	1864-1865	28.57
64	George W. House	do	1865-1866	1.33
4457	Eli, alias Elias, Harris, deceased; heirs of	do	1877-1878	98.78
1	Sim Isaacs	do	1865-1866	67.41
79	William Johnson	do	1863-1864	14.09
31	Louis Jaeger	do	1865-1866	34.35
3	John D. Jones	do	1864-1865	32.97
23	William Jones	do	1864-1865	82.78
31	Thomas Jones	do	1865-1866	165.37
36	John W. Jones	do	1865-1866	48.80
73	Alexander Boyd Johnson, alias Alexander Boydd, deceased; heirs of.	do	1862-1864	23.64
84	Edward Kershner	do	1886-1887	406.85
17	William King	do	1865-1866	35.79
13	Thomas Keene	do	1865-1866	44.39
37	John Kelly	do	1865-1866	45.16
2	John King	do	1866-1867	42.22
63	Otto Keil, or Ode, deceased; heirs of	do	1864-1865	9.67
85	Charles F. Lincoln, alias Charles Lanke	do	1865-1866	180.09
39	Timothy Lynch, deceased; heirs of	do	1863-1864	6.27
31	Nathaniel Lick	do	1864-1865	74.01
51	Thomas La Brey	do	1864-1865	49.84
41	Thomas Loftus	do	1865-1866	40.63

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
81	John Lynch, deceased; heirs of	Pay of the Navy (certified claims).	1885-1886	$165.41
171	John McLean	do	1865-1866	57.96
73	Michael Maroney	do	1864-1865	60.16
61	Glenmore Morton	do	1865-1866	83.71
77	George McKay	do	1864-1865	225.24
91	William McCahill, alias McCabe, deceased; heirs of.	do	1863-1864	31.13
80	Martin Mann	do	1865-1866	41.87
109	John McLaughlin	do	1865-1866	50.32
58	Henry Malone	do	1864-1865	30.01
10	Alexander Macgrouther	do	1865-1866	26.36
107	Henry May	do	1862-1863	36.82
74	James McFarland	do	1864-1865	91.01
15	Patrick McDonnell	do	1866-1867	95.66
142	David C. Mauldin	do	1865-1866	37.73
139	Francis McGinn	do	1865-1866	7.21
4462	William McContry, alias Wolfe, deceased; heirs of.	do	1869-1870	106.06
186	William F. Parke, deceased; heirs of	do	1864-1865	75.65
45	George Parker	do	1865-1866	51.80
61	F. M. Pennington	do	1864-1865	40.25
30	William H. Pease	do	1864-1865	76.76
42	George W. Palmer	do	1865-1866	10.77
36	Frederick W. Prosser	do	1865-1866	47.93
47	Guisippi Patte	do	1880-1887	91.05
31	Edwin Pickett, alias George Butler	do	1865-1866	127.08
51	John D. Phillips	do	1865-1866	59.93
88	E. T. Phillips	do	1872-1873	92.80
18	Peter Olsen	do	1887-1888	4.83
5	Christopher Quinn	do	1864-1865	81.31
25	William Reaney	do	1865-1866	51.57
41	David Rainey, alias Thomas McNeal	do	1865-1866	58.99
7	David Reynolds	do	1865-1866	38.96
45	David Robinson	do	1864-1865	21.96
4380	John Reilly	do	1865-1866	63.42
37	Patrick Reilly	do	1866-1867	70.69
54	Talbert B. Rose	do	1865-1866	41.79
23	I. S. K. Reeves	do	1879-1880	40.27
46	John Raamussen, alias Nelson	do	1864-1865	53.35
104	Richard Rowley	do	1862-1863	79.51
62	Andrew Sutherland	do	1873-1874	15.00
9	H. C Stidham	do	1864-1865	2.79
84	W. H. Sammis	do	1864-1866	31.60
99	Charles Silverthorn	do	1864-1865	43.94
89	Charles P. Subers	do	1865-1866	97.82
121	John Sweeney	do	1865-1866	7.53
76	George E. Tower	do	1886-1887	.27
68	Jeremiah Sidney Trusdell	do	1864-1865	11.22
40	Stephen D. Tripp	do	1865-1866	11.51
44	Joseph Tallman, deceased; heirs of	do	1881-1882	608.01
46	John Thompson, alias Donaho	do	1865-1866	35.50
50	John Thompson	do	1863-1864	13.82
6	Daniel Vaughn	do	1865-1866	66.50
59	Benjamin Whaley	do	1865-1866	58.66
168	Frank C. Warrington	do	1865-1866	9.81
58	George R. Watkins	do	1886-1887	1,328.95
129	Michael Walsh	do	1886-1887	90.70
124	William Webster	do	1865-1866	9.13
52	Alfred Woolston	do	1865-1866	16.11
12	George Wilson	do	1865-1866	65.62
176	Zachariah Whitmarsh, deceased, heirs of.	do	1861-1864	20.55
86	Nelson Wald, alias Walls	do	1865-1866	46.49
68	F. H. Whitney	do	1883-1884	23.07
15	Charles Wilson	do		31.40
72	James Wilcock	do	1865-1866	65.93
134	Moses White, deceased, heirs of	do	1863-1864	17.01
88	Charles Will	do	1865-1866	14.77
6	Charles W. Young	do	1862-1863	13.42
4412	Frederick Zuccala, alias T., deceased	do	1884-1885	101.30
4467	Otto Hugo Zastrau, alias Otto Nelson, deceased, heirs of.	do	1886-1887	302.25
103	C. H. West	do	1888	50.41

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
15	Charles Wilson	Pay of the Navy (certified claims).	1883	$36.00
303	Charles F. Webster, deceased, heirs of	do		87.13
75	Gustaf Smith	do		99.81
	Total			10,131.36
191	William Burditt	Pay of the Navy (certified claims) allowed under the decision of the United States Supreme Court in the cases of Rockwell, Mullan, Baker, and Cook.	1867-1870	572.60
184	J. B. Bilsh	do	1884-1886	368.49
188	Overton Carr, deceased, heirs of	do	1860-1861	46.89
156	George W. Codwise	do	1830-1843	2,307.56
199	Henry O. Handy, deceased, heirs of	do	1871-1872	193.24
111	Luther R. Harvey, deceased, heirs of	do	1870-1875	916.72
28	George W. Hall, deceased, heirs of	do	1871-1872	208.74
13	J. N. Hemphill	do	1871-1875	944.11
34	Alfred Jeffries	do	1882-1886	788.49
63	Bloomfield McIlvain, deceased, heirs of	do	1871-1875	943.26
65	C. S. McClain, deceased, heirs of	do	1882-1885	763.56
7	Stacy Potts	do	1877-1880	081.10
35	H. F. Picking	do	1870-1871	13.15
172	Thomas L. Smith	do	1837-1849	4,026.53
21	Winfield S. Sample	do	1882-1887	1,060.00
28	William A. Thom, deceased, heirs of	do	1865-1867	49.60
38	Thomas Worthington	do	1884-1886	402.74
	Total			15,550.08
75	George Otis Allen, deceased, heirs of	Pay of the Navy (certified claims) allowed under the decision of the United States Supreme Court in the case of Strong.	1863-1864	8.51
90	Henry Brown	do	1865-1866	187.40
188	Edward B. Bell, deceased, heirs of	do	1857-1874	556.61
138	Charles W. Babbitt, deceased, heirs of	do	1864-1865	71.57
54	R. M. G. Brown	do	1873-1879	643.29
175	Francis Butland	do	1871-1875	624.38
189	Overton Carr, deceased, heirs of	do	1862-1863	244.74
172	George C. Campbell, deceased, heirs of	do	1864-1865	166.78
7	Benjamin J. Cahoone, deceased, heirs of	do	1852-1859	697.27
52	Webster Doty	do	1877-1878	89.86
44	Frank C. Dale, deceased, heirs of	do	1878-1879	61.64
77	Daniel Douglass, deceased, heirs of	do	1850-1851	21.40
117	George Dewhurst, deceased, heirs of	do	1863-1866	637.51
58	C. W. Deane, deceased, heirs of	do	1885-1887	289.31
39	Frederick Elliott	do	1865-1866	40.60
20	William G. Farwell	do	1878-1879	19.18
72	Linnaeus Fussell	do	1865-1874	562.69
58	Edward A. Field, deceased, heirs of	do	1881-1882	162.19
75	Peter Faunce, deceased, heirs of	do	1867-1868	291.09
4	Charles T. Frost, deceased; heirs of	do	1858-1859	146.50
11	G. S. Franklin	do	1865-1869	188.79
97	Thomas S. Gay, deceased; heirs of	do	1865-1867	348.07
44	John P. Gillis, deceased; heirs of	do	1864-1865	65.59
8	Edward C. Grafton, deceased; heirs of	do	1867-1869	619.45
53	William H. Heaton	do	1878-1879	8.77
192	E. S. Houston	do	1869-1870	124.93
186	A. P. R. Hawks	do	1869-1872	297.31
140	William A. Hadden, deceased; heirs of	do	1884-1885	172.66
140	do	do	1885-1886	200.55
74	H. C. Hall	do	1862-1863	37.81
181	Samuel Howard	do	1865-1866	227.69
39	Henry L. Johnson	do	1875-1876	142.47
23	W. D. Jenkins, deceased; heirs of	do	1869-1870	342.95
4	David X. Junkin, deceased; heirs of	do	1860-1863	105.69
32	William M. King, deceased; heirs of	do	1871-1873	161.29
81	B. H. Kidder	do	1862-1883	135.54

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
17	Frederick Krecker, deceased; heirs of	Pay of the Navy (certified claims) allowed under the decision of the United States Supreme Court in the case of Strong.	1866-1867	$20.30
95	John A. Linscott	do	1867-1868	11.87
91	John Lowrie, deceased; heirs of	do	1867-1869	367.90
100	William McC. Little	do	1883-1889	186.30
169	Norman McLeod	do	1868-1869	236.74
181	Henry McCrea	do	1883-1884	102.74
65	Bloomfield McIlvain, deceased; heirs of	do	1873-1874	218.04
202	Charles S. McDonough	do	1864-1865	523.89
159	James McDonald	do	1864-1865	524.07
19	William B. Mann	do	1862-1865	112.44
12	Alfred M. Owen, deceased; heirs of	do	1876-1877	175.89
4327	Nicholas Pratt	do	1866-1867	267.04
89	Joseph Potter, deceased; heirs of	do	1871-1872	81.10
9	F. E. Porter	do	1863-1875	714.85
25	Robert Redington, deceased; heirs of	do	1866-1867	163.97
127	W. K. Schofield	do	1862-1879	516.20
71	Uriel Sebree	do	1868-1869	37.48
121	Henry R. Smith	do	1885-1886	221.92
169	Henry Stewart	do	1868-1869	83.29
181	F. H. Sheppard	do	1865-1866	102.29
156	J. W. Shively	do	1864-1865	46.85
187	Charles F. Schmits, deceased; heirs of	do	1877-1879	573.15
186	George Smith, deceased; heirs of	do	1863-1871	399.29
34	James E. Tolfree	do	1873-1883	1,957.80
15	E. C. Tracy	do	1886-1887	276.98
8	O. C. Tiffany	do	1882-1883	90.57
74	B. F. Tilley	do	1875-1876	248.77
1	John Van Hovenberg, deceased; heirs of	do	1877-1879	761.10
21	Richard Van Voorhis, deceased; heirs of	do	1865-1866	184.14
89	Truman B. White	do	1874-1882	310.68
176	Zachariah Whitmarsh, deceased; heirs of	do	1861-1864	30.11
74	Robert Whiting	do	1883-1884	172.06
87	Henry Wilson	do	1884-1887	3,002.74
166	L. K. White	do	1865-1866	181.76
139	John West, deceased; heirs of	do	1863-1866	701.67
	Total			22,086.23
3	Hollan D. Alexander, deceased; heirs of	Pay, miscellaneous (certified claims).	1884-1885	24.38
29	Russel C. Paris	do	1878-1879	425.42
84	F. V. McNair	do	1888	27.05
38	George E. Freeman	do	1888	60.00
23	E. B. Webster	do	1885-1886	100.64
105	do	do	1884-1885	207.20
	Total			844.69
4389	Michael Hall, deceased; heirs of	Contingent, Navy, (certified claims).	1862-1864	2.00
56	Robert Atkinson	Pay of the Marine Corps (certified claims.)	1864-1865	3.02
91	Richard Cassidy	do	1864-1865	1.00
205	Franz Dierkopf, deceased, heirs of	do	1873-1874	24.00
11	David O'Donnell	do	1862-1865	50.00
322	Frederick Scharff, deceased, heirs of	do	1873-1874	32.27
85	F. A. B. Stringer	do	1864-1865	5.89
81	D. P. Thurber	do	1866-1867	65.10
297	Frederick W. Weber	do	1865-1866	49.87
53	Henry Stopsack	do	1873-1874	36.00
42	Joseph Jenkinson	do	1865-1866	69.78
	Total			337.83
1998	Union Pacific R. R. Co	Transportation and recruiting Marine Corps (certified claims).		13.98
4892	Central Pacific R. R. Co	Contingent Marine Corps (certified claims).		56.45

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
1343	Union Pacific R. R. Co	Contingent Marine Corps (certified claims).		$
	Total			1
4892	Central Pacific R. R. Co	Contingent Bureau of Navigation (certified claims).		11
4892	....do	Contingent Bureau of Ordnance (certified claims).		
139	Charles B. Betters	Contingent Bureau of Equipment and Recruiting (certified claims).	1864–1865	1
4356	John Baker	....do	1865–1866	
158	James Brannan	....do	1864–1865	
70	George Coventry	....do	1864–1865	4
42	George W. Douglass	....do	1863–1864	1
99	Charles Dominick	....do	1862–1863	1
63	Joseph Donovan	....do	1864–1865	
98	Benjamin Doney	....do	1863–1864	1
105	John Donovan	....do	1864–1865	
31	James Farley	....do	1864–1865	
77	Patrick Hogan	....do	1864–1865	
55	Frank Jones	....do	1864–1865	
17	William King	....do	1865–1866	1
14	George Leathers	....do	1864–1865	1
29	Otis W. Littlefield	....do	1864–1865	1
179	Dennis McCarty	....do	1864–1865	2
20	Michael McMahon	....do	1865–1866	2
16	Lawrence McHugh	....do	1864–1865	1
140	Albion McAllister	....do	1865–1866	1
79	Gilbert H. May	....do	1864–1865	1
6	James Gula	....do	1864–1865	
13	John B. Rogers	....do	1864–1865	
42	Edward Roach	....do	1862–1863	1
40	John Shine	....do	1864–1865	
58	Eugene C. Sirret	....do	1863–1864	1
190	Benjamin Shaw	....do	1865–1866	1
4353	Thomas Walker	....do	1869–1870	15
70	William Watson	....do	1865–1866	
	Total			4
230	Central Pacific R. R. Co	Transportation and Recruiting, Bureau of Equipment and Recruiting (certified claims).		
87	S. Ridout Addison, deceased, heirs of	....do	1857–1858	
75	George Otis Allen, deceased, heirs of	....do	1862–1864	
79	William Black, deceased, heirs of	....do	1855–1856	25
90	Henry Brown	....do	1865–1866	4
188	Edward B. Bell, deceased, heirs of	....do	1857–1874	13
138	Charles W. Babbitt, deceased, heirs of	....do	1864–1865	2
54	R. M. G. Brown	....do	1873–1874	8
191	William Burditt	....do	1853–1861	31
175	John H. Butland	....do	1871–1875	9
189	Overton Carr, deceased, heirs of	....do	1862–1863	5
126	C. H. B. Caldwell, deceased, heirs of	....do	1860–1861	8
172	George C. Campbell, deceased, heirs of	....do	1864–1865	6
4427	Horace N. Crabb, deceased, heirs of	....do	1856–1857	2
7	Benjamin J. Cahoone, deceased, heirs of	....do	1852–1869	44
117	George Dewhurst, deceased, heirs of	....do	1863–1866	19
26	J. D. Danels, deceased, heirs of	....do	1860–1861	
39	Frederick Elliott	....do	1865–1869	1
3	LeRoy Fitch, deceased, heirs of	....do	1861–1862	2
72	Linnaeus Fussell	....do	1865–1874	23
76	James Frazer, deceased, heirs of	....do	1851–1853	7
75	Peter Faunce, deceased, heirs of	....do	1867–1868	11
11	G. S. Franklin	....do	1865–1868	13
88	James T. Gerry, deceased, heirs of	....do	1851–1852	9
29	Francis Gregory, deceased, heirs of	....do	1850–1851	7

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
97	Thomas S. Gay, deceased, heirs of	Transportation and Recruiting, Bureau of Equipment and Recruiting (certified claims).	1865-1867	$131.58
44	John P. Gillis, deceased, heirs of	do	1864-1865	8.55
8	Edward C. Grafton, deceased, heirs of	do	1867-1869	100.94
192	E. S. Houston	do	1869-1870	30.40
186	A. P. R. Hawks	do	1869-1872	132.10
198	Charles Hunter, deceased, heirs of	do	1853-1854	41.20
74	H. C. Hall	do	1862-1863	23.50
181	Samuel Howard (*See* provisions certified claims.)	do	1865-1866	72.44
23	W. D. Jenkins, deceased, heirs of	do	1869-1870	128.32
4	David X. Junkin, deceased, heirs of	do	1860-1863	98.07
32	William M. King, deceased, heirs of	do	1871-1872	44.70
81	B. H. Kider	do	1862-1883	17.11
17	Frederick Krecker, deceased, heirs of	do	1866-1867	9.26
95	John A. Linscott	do	1867-1868	4.51
91	John Lowrie, deceased, heirs of	do	1867-1869	138.46
169	Norman McLeod	do	1868-1869	90.01
65	Bloomfield McIlvain, deceased, heirs of	do	1873-1874	8.10
202	Charles S. McDonough, deceased, heirs of	do	1864-1865	127.48
159	James McDonald	do	1864-1865	98.38
185	Robert L. Meade	do	1861-1862	33.50
158	Gilbert L. McGowan	do	1865-1866	23.25
19	William B. Mann	do	1862-1865	71.05
4327	Nicholas Pratt	do	1866-1867	85.50
27	William Pearce	do	1861-1862	50.50
89	Joseph Potter, deceased, heirs of	do	1871-1872	44.40
9	F. E. Potter	do	1863-1875	199.28
25	Robert Redington, deceased, heirs of	do	1866-1867	74.81
50	William A. Raborg	do	1872-1873	164.10
48	George B. Raborg	do	1871-1872	109.20
102	Robert B. Reill, deceased, heirs of	do	1852-1853	60.80
196	George Smith, deceased, heirs of	do	1863-1871	154.19
11	James Stilwell, deceased, heirs of	do	1858-1859	30.75
140	William Smith, deceased, heirs of	do	1860-1862	188.75
10	John C. Saunders, deceased, heirs of	do	1851-1854	210.00
127	W. K. Schofield	do	1862-1879	74.76
71	Uriel Sebree	do	1868-1869	14.25
169	Henry Stewart	do	1868-1869	38.00
181	F. H. Sheppard	do	1865-1866	31.11
156	J. W. Shively	do	1864-1865	21.38
34	James E. Tolfree	do	1873-1874	216.30
6	George Thomas, deceased, heirs of	do	1851-1854	370.50
49	Colville Terrett, deceased, heirs of	do	1859-1860	11.50
4395	James S. Thornton, deceased, heirs of	do	1860-1902	51.25
30	T. Marston Taylor, deceased, heirs of	do	1858-1861	274.00
11	W. S. Underdown	do	1867-1868	255.56
21	Richard Van Voorhis, deceased, heirs of	do	1865-1866	67.21
89	Truman B. White	do	1874-1882	15.30
176	Zachariah Whitmarsh, deceased, heirs of	do	1861-1864	9.44
166	L. H. White	do	1865-1866	69.11
139	John West, deceased, heirs of	do	1863-1866	213.43
4	W. S. Young, deceased, heirs of	do	1855-1858	231.05
	Total			7,689.85
2472	Union Pacific R. R. Co	Contingent Bureau of Provisions and Clothing (certified claims).		84.00
4326	Thomas Brown	Bounty for the destruction of enemies' vessels (certified claims).	1862	37.55
87632	Jeremiah O'Connor, deceased, widow of	do	1864	2.08
87642	William Lee	do	1862	8.23
87648	Milton White, deceased, administrator of	do	1862	7.84
87659	John Kelly	do	1862	22.08
87662	John W. Reilly	do	1862	7.58
87664	George P. Gifford	do	1864	4.76
87678	C. D. Faulkner	do	1863	150.50
87690	Peter Myers	do	1862	1.66

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
87702	James Kelly	Bounty for the destruction of enemies' vessels (certified claims).	1862	$11
87706	Edward Troost	do	1863	2
87708	Samuel G. Ellis, deceased	do	1862	4
87716	Brunet Arxenne	do	1862	1
87718	Henry Lewis	do	1864	1
87722	James O'Connor, deceased, niece of	do	1862	4
87724	James O'Connor, deceased, nephew of	do	1862	4
	Total			30
49	William Frooye	Payment on account of clothing and bedding destroyed, by order, for sanitary purposes (certified claims).	1888-1889	5
40	Thomas Keegan	do	18-9-1890	5
57	Daniel Peterson	do	1889-1890	5
109	A. E. Strom	do	1889-1890	8
66	Charles J. Winstock	do	1889-1890	6
81	W. B. Whittelsey	do	1889-1890	65
	Total			94
172	James Wilson	Extra pay to officers and men who served in the Pacific (certified claims). Allowed under act of March 3, 1853.	1847-1849	182
103	Michael Boyle	Indemnity for lost clothing (certified claims).	1859-1860	60
226	Martin V. Bowers	do	1863-1864	60
38	W. H. Everett	do	1884-1885	216
48	John A. Flemming	do	1862-1863	60
67	Thomas Golden	do	1865-1866	60
4457	Eli Harris alias Elias, deceased, heirs of	do	1877-1878	60
36	John W. Jones	do	1865-1866	60
43	James Linnedy	do	1864-1865	60
8	V. Moller	do	1882-1883	60
91	McCabill, alias William McCabe, deceased, heirs of.	do	1863-1864	60
31	Edwin Pickett, alias George Butler	do	1865-1866	60
4375	William Shaw	do	1868-1869	60
99	Charles Silverthorne	do	1864-1865	60
	Total			936
19	Christopher Armistead	20 per cent. additional compensation (certified claims) allowed under joint resolution, February 28, 1867.	1866-1867	170
18	Armistead, alias Robert Armstead	do	1866-1867	50
6	Louis B. Adams, alias Bushrod Adams, deceased, heirs of.	do	1866-1867	7
16	Jacob D. Abrams, alias Jacob Abrams	do	1866-1867	10
23	Edward Burgee	do	1866-1867	19
231	William Bean	do	1866-1867	15
54	Charles Bland	do	1866-1867	3
55	Peter Bopp	do	1866-1867	17
25	R. A. Boarman, deceased, heirs of	do	1866-1867	22
37	Wallas Bradley, alias William	do	1866-1867	19
41	Patrick Burke, deceased, heirs of	do		2
161	William H. Bland, alias William, deceased, heirs of.	do	1866-1867	28
74	Charles Carroll	do	1866-1867	17
47	George Cross	do	1866-1867	4
59	James Callaher	do	1866-1867	11
11	Francis Carr, alias Frank, deceased, heirs of.	do	1866-1867	11
171	Thomas Cook, deceased, heirs of	do	1866-1867	28

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
170	William P. Cannon, alias William, deceased, heirs of.	20 per cent. additional compensation (certified claims) allowed under joint resolution, February 28, 1867.	1866-1867	$190.52
35	Kennard Cox, deceased, heirs of	do		78.16
79	Michael Christopher, deceased, heirs of	do		138.99
18	William Cadell, deceased, heirs of	do		160.17
14	Washington Cheseldine, deceased, heirs of	do		130.21
26	Burlington Daughton	do	1866-1867	110.21
6	Joseph M. Downing, deceased, heirs of	do	1866-1867	263.34
46	Danforth, alias Washington Danford, deceased, heirs of.	do	1866-1867	99.50
12	William Ellis	do	1866-1867	183.21
11	John Evans	do	1866-1867	110.47
7	James French, deceased, heirs of	do	1866-1867	128.82
14	Matthew Glasco	do	1866-1867	129.98
3	Anthony Gray	do	1866-1867	102.22
5	William Garrett	do	1866-1867	178.76
15	James Gill, deceased, heirs of	do	1866-1867	151.78
34	Henry Greer, deceased, heirs of	do	1866-1867	170.15
9	John T. Howe	do	1866-1867	170.72
30	John Humphreys, deceased, heirs of	do	1866-1867	116.00
46	Isaac Hurdle, deceased, heirs of	do	1866-1867	170.81
37	Charles Herrill, deceased, heirs of	do	1866-1867	73.25
26	Manning Hadley, deceased, heirs of	do	1866-1867	111.82
14	Henry Kahlert	do	1866-1867	92.89
28	Bennett Lawson	do	1866-1867	127.82
29	Benjamin Luskey	do	1866-1867	47.46
2	William Lawrenson, deceased, heirs of	do	1866-1867	189.26
2	William Murhead, deceased, heirs of	do	1866-1867	204.13
11	George Mockabee	do	1866-1867	77.80
21	Hugh Myers	do	1866-1867	110.72
20	Jacob Marks	do	1866-1867	103.19
50	Thomas Manning	do	1866-1867	158.46
40	Alexander McCloud, deceased, heirs of	do	1866-1867	137.67
38	William Mead, deceased, heirs of	do	1866-1867	186.79
51	William Morris	do	1866-1867	151.78
39	Patrick Maroney, deceased, heirs of	do	1866-1867	6.49
41	Newgent, alias Samuel Nugent, deceased, heirs of.	do	1866-1867	134.97
7	William Norris	do	1866-1867	186.20
38	Ofenstein, alias Leopold Overstein, deceased, heirs of.	do	1866-1867	176.80
88	John H. Pennington	do	1866-1867	176.30
92	William H. Padgett	do	1866-1867	118.74
27	Randall Pegg, deceased, heirs of	do	1866-1867	78.28
8	Amos Reed	do	1866-1867	142.50
4	Reith, alias Pierce Wright, deceased, heirs of.	do	1866-1867	109.44
28	William Roper, deceased, heirs of	do	1866-1867	117.37
24	John Robinson, deceased, heirs of	do	1866-1867	92.48
43	John Selby	do	1866-1867	105.98
13	Robert Strong	do	1866-1867	110.51
32	James Scott, deceased, heirs of	do	1866-1867	187.20
40	William Slade, deceased, heirs of	do	1866-1867	57.46
14	James Sperling, deceased, heirs of	do	1866-1867	100.13
23	Wesley Stockett, deceased, heirs of	do	1866-1867	152.83
2	Stanley Taylor	do	1866-1867	139.76
82	William Talbert	do	1866-1867	162.74
78	Thomas Talbert	do	1866-1867	200.50
23	Jesse Thatcher	do	1866-1867	116.71
16	Joseph Trapp	do	1866-1867	107.44
57	John Thompson, deceased, heirs of	do	1866-1867	133.49
6	Abraham Toppan, deceased, heirs of	do	1866-1867	118.15
174	Joseph Weiss, deceased, heirs of	do	1866-1867	108.80
75	Joseph I. Wills	do	1866-1867	169.49
9	Spencer Washington	do	1866-1867	101.24
34	Joseph Wayson	do	1866-1867	47.22
8	John Wendsey	do	1866-1867	105.69
29	Benjamin Woodfield, deceased heirs of	do	1866-1867	111.20
42	William Webster, deceased heirs of	do	1866-1867	87.40

Reported by the Fourth Auditor and Second Comptroller, etc.—**Continued.**

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Am
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
6	William Young, deceased heirs of	20 per cent. additional compensation (certified claims) allowed under joint resolution, February 28, 1887.	1866–1867	
	Total			10,
72	J. W. Anningstrout	Enlistment, bounties to seamen (certified claims).	1864–1865	
16	William Allison	do	1864–1865	
27	Abram Arthur	do	1864–1865	
75	Duane Aldrich	do	1864–1865	
66	Joseph T. Baugher	do	1863–1864	
17	George Brady	do	1864–1865	
39	James T. Bill	do	1864–1865	
116	Sylvester Backus	do	1864–1865	
96	Francis Barnes	do	1865–1866	
109	Sherwood F. Carey	do	1864–1865	
141	John R. Cope, deceased, heirs of	do	1864–1865	
58	James Duke	do	1862–1863	
106	Thomas W. Dandy	do	1864–1865	
12	John Dorsey, deceased, heirs of	do	1863–1864	
34	George Frisby	do	1864–1865	
47	John Folder or Follier	do	1863–1866	
71	George W. Grant	do	1864–1865	
75	Riley Hall	do	1864–1865	
80	Joseph L. Hale	do	1863–1864	
68	Frederick L. Havens, deceased, heirs of	do	1864–1865	
42	Addison Haskell	do	1864–1865	
106	Dennis Hickey	do	1864–1865	
167	George Handy, deceased, heirs of	do	1864–1865	
18	William James	do	1864–1865	
4	Enoch G. James	do	1864–1865	
55	Frank Jones	do	1864–1865	
33	Warren Kenney	do	1864–1865	
23	Joseph L. Kopp	do	1864–1865	
18	Peter Leuschen	do	1864–1865	
6	Cornelius Lyons	do	1863–1864	
86	Addison Lewis	do	1864–1865	
85	John Leahon	do	1864–1865	
105	John Lennon, alias Burns	do	1864–1865	
93	R. H. Langley, deceased, heirs of	do	1864–1865	
58	J. B. McCloughan	do	1864–1865	
73	Michael Maroney	do	1864–1865	
61	Glenmore Morton	do	1865–1866	
153	Sayles K. May	do	1864–1865	
175	Harrison Myers	do	1864–1865	
37	Michael Mackin	do	1864–1865	
15	Patrick McDonnell	do	1866–1867	
79	Gilbert H. May	do	1864–1865	
8	Jeremiah Opdike	do	1864–1865	
23	Thomas Owens	do	1871–1873	
22	Loth Possum	do	1864–1865	
42	George W. Palmer	do	1865–1866	
36	Frederick W. Prosser	do	1865–1866	
20	Eli Parish	do	1864–1865	
30	William H. Pease	do	1864–1865	
28	George A. Roof	do	1864–1865	
77	Adolph Rosenmiller	do	1864–1865	
42	Richard F. Ruffin	do	1864–1865	
97	Henry Robinson	do	1864–1865	
107	Richard N. Rogers	do	1864–1865	
72	George Rugg	do	1864–1865	
134	Albert Stroup	do	1865–1866	
4351	Frank G. Sullivan	do	1864–1865	
63	Samuel W. Stowe	do	1864–1865	
84	W. H. Sammis	do	1864–1866	
105	Joseph Silva	do	1864–1865	
93	John Smith, alias Fralan	do	1864–1866	
8	Edward Simms	do	1863–1864	
31	Angelo Terzette	do	1864–1865	
31	Nelson Veal	do	1865–1866	

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
14	E. R. Williams	Enlistment, bounties to seamen (certified claims).	1864–1865	$33.34
52	Alfred Woolston	do	1865–1866	58.00
96	Thomas Ward	do	1864–1865	100.00
	Total			7,298.82
23	Hampton Aulick	For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* the United States (certified claim).	1870–1871	343.50
20	W. A. H. Allen	do	1869–1870	200.81
29	George E. Anderson	do	1863–1864	268.79
15	George W. Armentrout, deceased, heirs of	do	1869–1870	72.25
56	Trevet Abbott, deceased, heirs of	do	1857–1863	577.73
32	Frederick C. Alley, deceased, heirs of	do	1869–1870	373.07
52	George W. Adams, deceased, heirs of	do	1868–1869	217.04
150	Joseph M. Bradford, deceased, heirs of	do	1868–1869	311.90
78	William Black, deceased, heirs of	do	1851–1852	548.60
89	Samuel P. Baird	do	1869–1870	9.49
106	J. A. Barber	do	1873–1874	207.03
126	Charles E. Boggs, deceased, heirs of	do	1865–1866	321.85
137	Dominick B. Batione, deceased, heirs of	do	1871–1874	401.54
189	Edward B. Bell, deceased, heirs of	do	1864–1871	818.75
139	J. O. Bradford, deceased, heirs of	do	1868–1869	237.43
156	J. C. Burnett	do	1873–1874	320.50
213	Andrew Bryson	do	1871–1872	222.29
60	George H. Cooper	do	1870–1871	356.90
37	C. E. Calahan	do	1872–1873	59.17
76	Charles H. Craven	do	1867–1868	507.67
48	George H. Cooper	do	1871–1872	374.39
53	J. Crossan Chaplin, deceased, heirs of	do	1855–2856	485.00
4384	George M. Colvoconesses, deceased, heirs of	do	1865–1867	284.85
172	George C. Campbell, deceased, heirs of	do	1867–1868	376.26
147	W. H. Crawford	do	1867–1868	245.22
7	Benjamin J. Cahoone	do	1852–1869	843.20
4461	Joseph C. Cree	do	1864–1865	20.16
172	F. W. Crocker	do	1869–1870	128.78
36	George Dewey	do	1872–1873	106.25
34	John L. Davis	do	1871–1872	268.80
42	D. W. Davis	do	1872–1873	120.00
41	Percival Drayton, deceased, heirs of	do	1850–1851	233.78
56	B. F. Day	do	1867–1868	376.26
4355	N. D'Oyley	do	1861–1862	428.60
55	John A. Dixon	do	1865–1866	293.45
46	H. F. Dorton	do	1866–1867	104.55
59	David G. Farragut, deceased, heirs of	do	1855–1861	627.40
72	Linnaeus Fussell	do	1865–1874	373.07
59	Jonathan M. Foltz, deceased, heirs of	do	1838–1839	154.50
77	B. W. Fowler	do	1864–1865	38.82
9	Alfred J. Greeley, deceased, heirs of	do	1870–1873	425.87
74	James Garnett	do	1863–1864	122.95
97	Thomas S. Gay, deceased, heirs of	do	1868–1869	423.22
84	A. C. Gorgas	do	1866–1867	49.56
48	E. D. F. Heald	do	1870–1871	317.85
84	E. S. Houston	do	1868–1869	314.69
91	L. C. Heilner	do	1872–1874	355.00
4389	Michael Hall	do	1862–1864	460.64
54	A. R. Hughes	do	1873–1874	97.75
119	Charles Hall	do	1868–1869	427.96
120	C. I. Hutchins	do	1870–1871	375.96
118	E. M. Hart	do	1864–1865	293.45
151	Wesley O. Holway	do	1871–1872	380.00
4463	W. D. Huret, deceased, heirs of	do	1847–1853	506.00
118	Elijah Haskell, deceased, heirs of	do	1859–1561	220.00
24	W. H. Jones	do	1870–1882	567.26
9	William M. King, deceased, heirs of	do	1872–1873	234.79
25	Frederick Krecker, deceased, heirs of	do	1866–1867	410.92

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amou
	NAVY DEPARTMENT—Continued.			
	CLAIMS—Continued.			
133	Samuel R. Knox, deceased, heirs of	For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* the United States (certified claim).	1849–1852	$1, 4
57	Jacob Kimball, deceased, heirs of	do	1867–1868	$42
95	John A. Linscott	do	1867–1868	48
67	C. S. Lawrence	do	1868–1869	47
69	C. E. Lee	do	1872–1873	12
71	O. W. Lowry	do	1872–1873	6
59	E. A. Magee	do	1873–1874	34
210	William H. Macomb, deceased, heirs of	do	1861–1862	61
71	W. H. Masser	do	1873–1874	30
67	William H. Mayer, deceased, heirs of	do	1867–1868	6
86	Colin McDonald	do	1872–1874	50
87	G. A. Merriam	do	1871–1872	5
101	Samuel H. Magee	do	1868–1869	43
149	Eugene Mack, deceased, heirs of	do	1872–1873	34
145	H. B. Mansfield	do	1870–1871	12
150	R. W. Milligan	do	1867–1868	4
169	E. F. Myers	do	1868–1869	69
25	William B. Newman	do	1872–1874	79
26	Harman Newell	do	1871–1872	38
24	W. H. Nauman	do	1872–1873	7
31	Charles F. Norton	do	1868–1869	25
85	Frederick H. Paine	do	1869–1870	24
73	George H. Perkins	do	1868–1869	31
8	Francis H. Parker	do	1868–1869	42
33	A. G. Paul	do	1873–1874	27
54	George A. Prentiss, deceased, heirs of	do	1860–1861	44
59	Theodorice Porter	do	1872–1873	24
86	E. T. Peake	do	1868–1869	43
21	A. P. Osborn	do	1872–1873	6
6	S. P. Quackenbush, deceased, heirs of	do	1871–1872	7
32	H. M. M. Richards	do	1872–1873	10
63	George H. Read	do	1870–1871	19
74	Richard Rush	do	1868–1871	44
89	John B. Robinson	do	1871–1872	27
103	John M. Robinson	do	1873–1874	8
111	William W. Richardson	do	1872–1873	10
112	George C. Reiter	do	1872–1873	10
122	William S. Smith	do	1873–1874	25
18	George W. Sherman	do	1862–1868	68
28	Francis H. Sheppard	do	1866–1867	92
66	William H. Stewart	do	1866–1868	5
70	A. M. Shaw	do	1868–1869	81
71	Charles A. Schetky	do	1869–1870	8
141	Yates Sterling	do	1867–1868	25
154	William F. Spicer	do	1867–1868	6
11	Thomas Turner, deceased, heirs of	do	1867–1868	8
26	R. D. Taylor	do	1867–1868	51
27	H. M. Tallman	do	1870–1872	27
21	B. F. Tilley	do	1873–1874	10
24	J. W. Taylor, deceased, heirs of	do	1859–1868	41
4395	James S. Thornton, deceased, heirs of	do	1862–1872	15
42	C. P. Thompson	do	1871–1872	19
5	C. C. Upham, deceased, heirs of	do	1859–1860	15
11	E. C. Ver Meulen	do	1871–1872	18
48	A. B. Wychoff	do	1870–1871	6
57	E. D. Weems	do	1867–1868	25
51	J. C. Watson	do	1871–1873	28
61	Herbert Winslow	do	1871–1872	7
64	W. L. Wheeler	do	1868–1869	42
30	Arthur H. Wright, deceased, heirs of	do	1872–1873	12
26	L. A. Waterman	do	1868–1869	81
27	Henry T. Wingate, deceased, heirs of	do	1843–1844	13
91	Josiah M. Wilson, deceased, heirs of	do	1869–1870	37
114	Charles P. Welch	do	1869–1872	83
166	L. H. White	do	1865–1867	50

Reported by the Fourth Auditor and Second Comptroller, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	NAVY DEPARTMENT—Continued.			
	CLAIMS—continued.			
151	Jacob O. Winchester	For the payment of claims for difference between actual expenses and mileage allowed under the decision of the United States Supreme Court in the case of Graham *vs.* the United States (certified claim).	1868–1869	$814.75
149	W. W. Wotherspoon	do	1872–1873	297.40
158	Frank Wildes	do	1868–1869	427.95
80	William McC. Walker, deceased, heirs of.	do	1844–1856	932.78
	Total			41,667.43
100	James Doddrell	Provisions Marine Corps (certified claims).	1886–1888	39.11
118	Edward Dunn	do	1886–1888	29.10
81	John Plunket	do	1886–1888	36.45
60	William H. Wood	do	1886–1888	39.11
14	Joseph Orth	do	1886–1888	36.07
139	Richard Wood	do	1886–1888	30.04
30	John R. O'Kelley	do	1885–1887	21.39
	Total			231.27
104	Richard Rowley	Provisions Navy (certified claims).	1862–1863	6.30
79	William Johnson	do	1863–1864	5.70
4412	Frederick alias T. Zuccala, deceased, heirs of.	do	1884–1885	22.55
	Total			34.55
	Total Navy			119,118.94

RECAPITULATION OF CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

Pay of the Navy (certified claims)	$10,131.26
Pay of the Navy (certified claims) allowed under the decision of the United States Supreme Court, in the case, of Rockwell, Mullan, Baker and Cook	15,550.08
Pay of the Navy (certified claims) allowed under the decision of the United States Supreme Court, in the case of Strong	22,086.23
Pay, miscellaneous (certified claims)	844.69
Contingent Navy (certified claims)	2.00
Pay of the Marine Corps (certified claims)	337.83
Transportation and recruiting, Marine Corps (certified claims)	13.98
Contingent, Marine Corps (certified claims)	141.11
Contingent, Bureau of Navigation (certified claims)	132.84
Contingent, Bureau of Ordnance (certified claims)	4.21
Contingent, Bureau of Equipment and Recruiting (certified claims)	484.92
Transportation and Recruiting, Bureau of Equipment and Recruiting (certified claims)	7.00
Provisions, Navy, Bureau Provisions and Clothing (certified claims) allowed under the decision of the United States Supreme Court, in the case of Strong	7,689.85
Contingent Bureau, Provisions and Clothing (certified claims)	.84
Bounty for the destruction of enemies' vessels (certified claims)	301.26
For payment on account of clothing and bedding destroyed by order for sanitary purposes (certified claims)	94.97
Extra pay to officers and men who served in the Pacific (certified claims), allowed under Act March 3, 1853	182.17
Indemnity for lost clothing (certified claims)	936.66
Twenty per cent. additional compensation (certified claims) allowed under joint resolution, February 28, 1867	10,945.47
Enlistment bounties to seamen (certified claims)	7,298.82
For the payment of claims for difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court, in case of Graham *vs.* the United States (certified claims)	41,667.43
Provisions, Marine Corps (certified claims)	231.27
Provisions, Navy (certified claims)	34.55
Total	119,118.94

Reported by the Sixth Auditor under section 2, act of July 7, 1884 (23 Stat., p. 25

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amo
	POST-OFFICE DEPARTMENT.			
	POSTAL SERVICE.			
19066	Richard Payment, late postmaster, Sault de Ste. Marie, Mich., compensation, second quarter, 1873.	Deficiency in postal revenues, 1887 and prior years.	1873	
19067	J. E. Walker, late postmaster, Hillsborough, Mo., compensation, third quarter, 1882.	....do	1883	
19068	O. D. Sawyer, late postmaster, North Weare, N. H., compensation, second quarter, 1884.	....do	1884	
19069	S. G. Burbridge, late postmaster, Estellville, N. J., compensation: Fourth quarter, 1884 $11.66 First quarter, 1885 9.75 Second quarter, 1875 10.18	..do	1885	
19070	Frank W. Fenner, late postmaster, Versailles, Conn., compensation: First quarter, 1885 $134.30 Second quarter, 1885 147.14	..do	1885	2
19071	S. G. Burbridge, late postmaster, Estellville, N. J., compensation: Third quarter, 1885 $8.92 Fourth quarter, 1885 6.61	..do	1886	
19072	G. A. Taylor, late postmaster, Pope's Creek, Md., compensation, fourth quarter, 1885.	....do	1886	
19073	W. T. Caldwell, late acting postmaster, Bridgeborough, N. J., compensation, first quarter, 1887.	....do	1887	
19074	A. H. Gilliam, late postmaster, Boaz, Ky., compensation, second quarter, 1887.	....do	1887	
19075	John Hanrahan, late postmaster, Clare, Iowa, compensation, second quarter, 1887.	....do	1887	
19076	Marion Hughes, late postmaster, Eustis, Nebr., compensation, first quarter, 1887.	....do	1887	
19077	S. M. Kessick, late postmaster, Dugger, Ind., compensation, third quarter, 1886.	....do	1887	
19078	P. J. Marthey, late postmaster, Leaton, Mich., compensation second quarter, 1887.	....do	1887	
19079	G. E. Richardson, late postmaster, Linwood, Nebr., compensation second quarter, 1887.	....do	1887	
19080	R. D. Van Dusen, late postmaster, Stuart, Kans., compensation first quarter, 1887.	....do	1887	
19081	Peter Van Den Bosch, late postmaster, Lucas, Mich., compensation second quarter, 1887.	....do	1887	
19082	J. B. Kern, postmaster, Landisville, Pa. Clerk hire, third quarter, 1883 $12.50 Clerk hire, fourth quarter, 1883 12.50 Clerk hire, first quarter, 1884 12.50 Clerk hire, second quarter, 1884 12.50	..do	1884	
19083	J. B. Kern postmaster, Landisville, Pa. Clerk hire, third quarter, 1884 $12.50 Clerk hire, fourth quarter, 1884 12.50 Clerk hire, first quarter, 1885 12.50 Clerk hire, second quarter, 1885 12.50	..do	1885	
19084	J. B. Kern, postmaster, Landisville, Pa. Clerk hire, third quarter, 1885 $12.50 Clerk hire, fourth quarter, 1885 12.50 Clerk hire, first quarter, 1886 12.50 Clerk hire, second quarter, 1886 12.50	..do	1886	
19085	J. B. Kern, postmaster, Landisville, Pa. Clerk hire, third quarter, 1886 $12.50 Clerk hire, fourth quarter, 1886 12.50 Clerk hire, first quarter, 1887 12.50 Clerk hire, second quarter, 1887 12.50	..do	1887	
19086	R. S. Trask, late postmaster, White Cloud, Mich. Clerk hire, third quarter, 1885 $23.34 Clerk hire, fourth quarter, 1885 50.00 Clerk hire, first quarter, 1886 50.00	..do	1886	1

Reported by the Sixth Auditor, etc.—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
	POST-OFFICE DEPARTMENT—Cont'd.			
	POSTAL SERVICE—continued.			
19087	C. B. Prescott, postmaster, Holyoke, Mass.; for amount paid for special delivery in first quarter, 1887.	Deficiency in postal revenues, 1887 and prior years.	1887	$27.12
19088	J. W. Kimball, late postmaster, Fitchburgh, Mass.; rent, light, and fuel, first quarter, 1887.	...do	1887	10.19
19089	George T. West, special carrier; for special mail service at Gibsonville, N. Y., from April 1, 1884, to June 30, 1885.	....do	1885	25.16
19090	James O. L. McBrayer, special carrier; for special mail service at Other, Ga., from October 1, 1886 to June 30, 1887.	....do	1887	3.35
19091	Charles White, special carrier, for special mail service at Palmer, N. Y., from April 1, 1887, to June 30, 1887.	....do	1887	45.52
19092	Peter Hofacker, special carrier, for special mail service at Rocksburgh, N. J., from—			
	June 11 to June 30, 1885	....do	1885	1.09
	October 1 to December 31, 1886	....do	1887	6.29
	April 1 to June 30, 1887	....do	1887	6.13
				13.51
19093	Ernst G. Schreiber, special carrier, for special mail service at Saxony, Ind., from August 1, 1886, to June 30, 1887.	....do	1887	9.49
19094	Lewis McKnight, special carrier, for special mail service at Ely, N. J., from April 1, 1887, to June 30, 1887.	....do	1887	4.15
19095	James L. Ely, special carrier, for special mail service at Ely, N. J., from January 1, 1887, to March 31, 1887.	....do	1887	3.86
19096	P. S. Cosner, special carrier, for special mail service at Hall's Peak, N. Mex., from October 31, 1887, to February 15, 1888.	....do	1888	13.18
19097	Fred. Obringer, special carrier, for special mail service at Elk Grove, Ill., from October 1, 1887, to June 30, 1888.	....do	1888	9.22
19098	D. J. McGrory, postmaster, Westchester, N. Y., for amount paid mail messenger for service from April 1 to June 30, 1887, by order of the Postmaster-General, dated June 6, 1881.	....do	1887	25.00
19099	Wisconsin Central R. R. Co., Wis., route 25017, for $115.21 more transportation per quarter from October 14, 1886, to June 30, 1887, per order of Postmaster-General, No. 6467, dated April 25, 1890.	....do	1887	329.35
19100	Illinois Central R. R. Co., Miss., route No. 18018:			
	$98.71 per quarter more from August 1, 1884, to June 30, 1885.	....do	1885	361.58
	$98.71 per quarter more from July 1, 1885, to June 30, 1886.	....do	1886	394.84
	$98.71 per quarter more from July 1, 1886, to June 30, 1887.	....do	1889	394.84
				1,151.26
19101	Fort Worth & Denver City Ry. Co., Tex., route No. 31037 (per order of Postmaster-General, No. 8511, dated May 21, 1890):			
	$530.80 per quarter more from November 1, 1886, to June 30, 1887.	....do	1887	1,413.54
	$910.84 per quarter more from March 21, 1887, to June 30, 1887.	....do	1887	1,022.16
				2,435.70

Reported by the Sixth Auditor, etc—Continued.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Am
	POST-OFFICE DEPARTMENT—Cont'd.			
	POSTAL SERVICE—continued.			
19102	Union Pacific, Denver and Gulf Rwy. Co., Tex., route No. 31065: For transportation from June 4 to 30, 1888, at $4,595.99 per quarter, per order of the Postmaster-General No. 13070, dated June 28, 1890.	Deficiency in postal revenues, 1887 and prior years.	1888	$1,
19103	The Lang Manufacturing Co., Albany, N. Y.: For supplies furnished to the postal card agency at Castleton, N. Y., on Jan. 8, 1886.	....do	1886	
19104	The Lang Manufacturing Co., Albany, N. Y.: For supplies furnished to the postal card agency at Castleton, N. Y., on May 4, 1887.	....do	1887	
19105	P. G. Card, mail contractor, route No. 4101, R. I., for transportation from Oct. 1, 1885, to Nov. 5, 1885.	....do	1885	
19106	J. A. Craft, mail contractor, route No. 2018, Ky., for amount of fine imposed in fourth quarter, 1886, remitted Apr. 10, 1890.	....do	1887	
19107	William Johnson, mail contractor, routes Nos. 6710 and 6718, Ala., for transportation—	....do	1871	
	First quarter, 1871, on No. 6710 $192.50			
	Second quarter, 1871, on No. 6710 192.50			
	First quarter, 1871, on No. 6718. 398.11			
	Second quarter, 1871, on No. 6718 229.51			
				1,
	Less deductions first quar., 1871 12.30			
	Less collections first quar., 1871 34.94			
	Less deductions first quar., 1871 7.40			
19108	E. T. Clemmons, mail contractor, route No. 33215, Kansas.			
	For transportation from Jan'y 1 to Mar. 17, 1887, at $99.61 per quarter.	....do	1887	
	Less deduction from Jan'y 1 to Mar. 17, 1887.	....do	1887	
19109	Charles Thompson, mail contractor, route No. 35139, Dakota.			
	For difference between the amount deducted under order No. 7634, of June 4, 1886, deducting per annum, $127.40, and the amount deducted under modified order No. 1685, of Febr'y 3, 1890, from July 1, 1886, to June 3, 1887, $111.75.	....do	1887	
	Less excesses in allowances of a month's extra pay.	....do	1887	
19110	V. H. Pease, mail contractor, route No. 43208, Washington, for transportation from January 1 to June 30, 1887, per order No. 5758 of April 15, 1890, modifying previous orders.	....do	1887	
	Total deficiency in postal revenues..			7,

SUMMARY OF CLAIMS.

State Department:	
Foreign intercourse	$2,275.04
Treasury Department:	
Salaries	362.88
Internal revenue	31,233.30
Internal revenue, claim of Silas Q. Howe, surviving partner of W. T. Pate & Co	19,622.19
Customs	8,791.03
Miscellaneous	2,895.83
	62,905.23
War Department:	
Second Auditor's accounts, Army	13,980.93
Third Auditor's accounts, Army	491,815.04
	505,795.97
Navy Department:	
Fourth Auditor's accounts, Navy	119,118.94
Interior Department:	
Civil	113.78
Public lands service	227,835.72
Indians	5,951.76
Pensions	77.60
	233,978.86
Post-Office Department:	
Postal service	7,790.77
Department of Justice	17,776.30
Grand total	949,841.11

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 212.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Report of the surveyor-general of New Mexico on private land claim known as the Rito de los Frijoles grant, No. 133.

AUGUST 15, 1890.—Referred to the Committee on Private Land Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1890.

SIR: In pursuance of the requirements of the eighth section of the act of Congress approved July 22, 1854 (10 Stat., 308), I have the honor to transmit herewith for Congressional action the report of the United States surveyor-general for New Mexico on the private land claim in said Territory known as the Rito de los Frijoles grant, reported No. 133; also copy of a letter dated August 11, 1890, from the Commissioner of the General Land Office transmitting the report.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 11, 1890.

SIR: I have the honor to transmit herewith, for submission to Congress, the report, in duplicate of the United States surveyor-general of New Mexico, under the eighth section of the act of Congress approved July 22, 1854 (10 Stats., 308), upon the private land claim known as the Rito de los Frijoles grant, reported No. 133.

By reference to the record in the case, consisting of copies of translations from alleged originals, it appears that on February 28, 1803, José Antonio Salas petitioned the lieutenant-colonel and governor *ad interim* setting forth that the grant of the farm which he possesses, called the Rito de los Frijoles, given by Governor Cachupin and revalidated by Governor Auza, had been lost, the original of which is in the archives of the government, he entreated that the original be delivered him for the purposes he deemed fit.

No attention appears to have been taken by the governor of t
tition.

On April 1, 1814, Antonia Rosa Lujan petitioned the governor t
state her in the possession of her claim, alleging that she had he
lived upon the claim until 1811, when they were compelled by o
the governor to vacate said tract for alleged complicity in so
beries committed near them.

She asked to be allowed to return, to be accompanied by tw
promising to live peaceably, and aid in the suppression of an
law abiding persons.

On April 2, 1814, the governor *ad interim* referred the petition
tonio Ortiz for report as to whether the petition should be de
favorably acted upon.

On 3d of same month, Ortiz made his report to the governor, w
the following day, after considering the report, decided that Mari
Lujan, resident of the Cañada de Cochiti party interested in th
may move to the tract which she solicits as her property, which
the Rito de los Frijoles, with the two citizens whom she me
Isidro Hartado and Santiago Hartado.

This appears to be all the written evidence of title presented
parties.

It appears that on the 5th of October, 1872, John S. Watts, as
ney for the heirs of Antonia Rosa Lujan, filed a petition with th
veyor-general, praying confirmation of their title to a certain tr
land, giving natural boundaries, but specifying no particular qua

Subsequently, on March 19, 1881, Messrs. Chaves and Wade f
supplementary petition for same parties, substantially the same a
first. With this petition they filed a "sketch map" showin
approximate boundaries of the claim, giving an irregular shaped
covering an estimated area of 4,500 acres.

It appears from the evidence submitted that the land claime
been in the possession of the grantee and her heirs as far back as
nesses could remember.

The report of the surveyor-general on this claim dated Marc
1882, recommends the claim for confirmation.

The preliminary survey of this claim made in 1883, covers an a
23,022.23 acres, which quantity of land is now segregated from the
lic domain and reserved from sale, or other form of disposal unde
eighth section of said act of Congress of July 22, 1854, to satisf
claim of the petitioners, whose "sketch map," representing the qua
claimed, only covers an estimated area of 4,500 acres.

I would respectfully suggest that some definite action be
looking to the early settlement of this claim.

In the event of its confirmation it should be limited to the land ac
in possession to be located within the natural boundary calls and
exceed the quantity of 4,500 acres, the area claimed in their am
petition.

I am, sir, very respectfully, your obedient servant,

LEWIS A. GROFF,
Commissio

The SECRETARY OF THE INTERIOR.

RITO DE LOS FRIJOLES GRANT—NO. 133.

TRANSCRIPT OF DOCUMENTS ON FILE IN THE OFFICE OF THE U. S. SURVEYOR-GENERAL FOR THE TERRITORY OF NEW MEXICO, IN RE THE PRIVATE LAND CLAIM IN THE NAME OF THE HEIRS AND LEGAL REPRESENTATIVES OF ANTONIA ROSA LUJAN FOR THE "RITO DE LOS FRIJOLES" TRACT.

ORIGINAL PETITION OF CLAIMANTS TO SURVEYOR GENERAL.

[Report No. 133. File No. 106. Antonia Rosa Lujan. Rito de los Frijoles tract.]

TERRITORY OF NEW MEXICO,
County of Santa Fé.

To the Hon. James K. Proudfit, Surveyor-General of the Territory of New Mexico :

Your petitioners, the heirs and legal representatives of Antonia Rosa Lujan, deceased, daughter of Juan Antonio Lujan, residents of the Territory of New Mexico, counties of Santa Ana and San Miguel, would respectfully state to you that they are the lawful owners in fee of a certain grant of land called the Rito de los Frijoles tract, situate in the county of Santa Ana, Territory of New Mexico. That some time previous to the year 1780 the said tract was granted by the Government of Spain to Andres Montoya, the grandfather of Antonia Rosa Lujan. That said Montoya, by reason of his advanced age and insufficient means could not use the tract, but in the year 1780 requested Governor Anza, at that time on an official visit through his province and present at Cochiti, to transfer or make over the said grant to his (Montoya's) son-in-law, Juan Antonio Lujan. That this was done then and there by said Governor Anza, and Juan Anto. Lujan entered in due form on the said tract, lived upon it, and improved it until his death and left it to his heirs.

That said heirs dwelt there until about the year 1811, when, on account of some robberies committed in that vicinity, Governor Manrrique ordered the owners, said heirs, to vacate said tract. This order was complied with, and no one possessed the tract until the year 1814, when Antonia Rosa Lujan, wife of José Antonio Salas, daughter of Juan Antonio Lujan, and granddaughter of Andres Montoya, having proved that she had no complicity in said robberies and having aided in bringing the real offenders to justice, petition Governor Manrrique for permission to re-occupy her property. The governor commissioned Antonio Ortiz, a citizen of Santa Fé, to inquire into and report upon the matter, and Ortiz having in the same year made his report, Governor Manrrique decided that Antonia Rosa Lujan, the petitioner, should again move on to her land, and live there under strict injunctions not to allow any suspicious characters in that neighborhood. This she did, and lived on the said tract until her death, leaving it to her descendants, who still live there and occupy the tract.

Your petitioners would further state that said heirs are by name as follows, to wit: David Salas, Inez Salas, and one other, whose name is not known, and for whom Tomas Salas is agent; children of José Francisco Salas, deceased, son of Antonia Rosa Lujan, deceased; Miguel, Anselmo, Felipe, and Donaciano Salas, children of Anastacio Salas, deceased, son of Antonia Rosa Lujan, deceased; Rafael, Juan, Domingo, and Tomas Salas, and Simona Salas, children of Guadalupe Salas, deceased, daughter of Antonia Rosa Lujan, deceased; all of which said heirs and legal representatives are residents of Santa Ana and San Miguel Counties, in the Territory of New Mexico.

Your petitioners would further state that they have in their possession, and herewith file in your office, and ask that they be made a part of this petition, three original documents or title papers which have descended to them in regular course from their ancestors, carefully preserved as legal evidence of their title, which said title papers are marked as exhibits A, B, and C herein, and sworn translations of the same into the English language, are herewith also filed to accompany them. A brief resumé of these title papers will develop the following facts—

Exhibit A.—This document contains four distinct instruments of which—

No. 1. Is a petition of Antonia Rosa Lujan, dated at Santa Fé, New Mexico, April 1st, 1814, to Governor Manrrique, stating that her grandfather Andres Montoya presented himself before Governor Anza while the latter was on a judicial visit at Cochiti, and called to his mind that he held a grant to the Los Frijoles tract, made to him by Governor Mendimeta but could not use it on account straightened circumstances and advanced age, and requested the governor to transfer the same to his (Montoya's) son-in-law, Juan Antonio Lujan. This the governor agreed to and consummated, and Lujan, the father of the petitioner, dwelt on the land and improved it until his death, leaving it for the benefit of his children, who held it until 1811, when they were ordered to leave it by the governor on account of some robberies having been committed by some vagabonds in that vicinity. That the petitioner was instrumental in bringing said robbers to justice. That she is poor, and has a large family to support, and wishes now to re-occupy her property; and she proffers a certificate of Friar Antonio Cavallero under date of 1807 in proof of her father's right, and the status of the grant.

No. 2. This paper is an original order of Governor Manrique written on sai tion, dated at Santa Fé, April 2, 1814, commissioning Antonia Ortiz to inqui the case and report to him.

No. 3. Contains the report of Ortiz in the premises, and states that Antoni Lujan presented him the certificate of Friar Antonio Cavallero, but he did not it as sufficient, whereupon she brought Lieut. Romero before him, who stated the time of Gov'r Mendinueta Juan Anto. Lujan, having commenced cleari Frijoles tract, two brothers, Miguel and Domingo Romero, raised some objectio Gov'r Mendinueta decided at their instance that Lujan should not break there as the land belonged to the heirs of Andreas Montoya, but that after Romero having compromised with Lujan (who seems to have been his partne latter proceeded to cultivate said tract, and conducted himself well up to th 1811. All of which he transmits to the governor for his information.

No. 4. Is the final decision and decree of the governor, deciding that Rosa may occupy the tract and resettle it as her property, but must not allow any utable persons around, and is dated at Santa Fé, N. M., April 4, 1814.

Exhibit B. Is an entirely separate instrument, dated at Santa Fé, February 28, in which Juan Antonio Salas (above seen to be husband of Rosa Lujan) petitio governor, setting forth that the grant to the Frijoles tract, which he possessed, by Gov'r Cachupin, and reauthorized by Governor Anza, was lost, and request the original on file in the Government archives be given him for the ends of ju

Exhibit C. Is another separate instrument, and is dated at the mission of Co December 28, 1807. In it Friar Antonio Cavallero certifies that, when Governor was on his judicial visit to Cochiti, Andreas Montoya came before him and that he had a grant from Gov'r Velez Cachupin of the Frijoles tract, but on ac of advanced age he could not work it, and requested Gov'r Anza to transfer it (Montoya's) son-in-law, Juan Antonio Lujan, which was done, Anza, as gove having full power to do so; and that said Lujan occupied it and worked it la until his death, when he left it to his children; that this certificate was made request of José Antonio Salas, husband of Antonia Rosa Lujan for the ends of ju

Your petitioners would further state that ever since the making of the original to Juan Anto. Lujan, and its reauthorization to Antonia Rosa Lujan, she, her and assigns have been in the peaceable, lawful, and quiet possession, occupanc use of said lands, without any adverse claim of any kind being set up or made b one to said lands. And, that this use and occupancy alone for so great a leng time would and does constitute, and should be decided as amounting to a goo valid title, even if there were no original title papers filed in the case.

Your petitioners would further state that in the title papers herewith filed in case the boundaries of said grant are not directly mentioned, but are indirectl ferred to as the boundaries of the grant in that locality made to one Andres Mon the grandfather of Antonia Rosa Lujan. And it would seem probable that fro lapse of time, and the petition of Jose Antonio Salas (Exhibit B, herein) tha original grant has been lost. The archives have been searched without success your petitioners would respectfully refer you to the petition in confirmed private claim No. 38, to Ramon Vigil, which is the grant lying immediately to the nor the "Los Frijoles" tract, from which it appears that the original grant to A Montoya was made previous to the year 1742, and that the southern bounda said confirmed private land claim No. 38, is described as the northern boundary lands of Captain Andres Montoya. Your petitioners would further request th the original title to the grant of Andres Montoya can not be found, that they be all to prove the natural and permanent land marks and boundaries of said grant as k for more than half a century; and your petitioners aver and believe that the will be found to be substantially the following: On the north the limits of the to Pedro Sanchez: on the east the Del Norte River; on the west the Rocky Moun and on the south the grant known as Cañada de Cachiti.

Your petitioners would further state that, as said lands have never been surve it is impossible to state with any degree of certainty the number of acres conta within the limits of said grants, nor can a moderately correct plat or map of lands be made until the same are surveyed, but your petitioners herewith pres sketch giving an approximate idea of the shape and position of said grant.

Your petitioners would further state that the perfect nature of their grant, a actual ownership and possession under a valid title at the date of the treaty of G lupe Hidalgo, February 2, 1848, entitle said petitioners to have said title investig and approved by the hon. surveyor-general of the Territory of New Mexico the 8th section of the act of Congress approved the 22d of July, 1854. See Sta at Large, Vol. 10, page 309.

Your petitioners would further state that under the 8th and 9th articles o treaty of Guadalupe Hidalgo of 2d Feb., 1848, the said title of the said petiti was entitled to be "inviolably respected" and to be retained without subjecti any "tax, contribution, or charge whatever." See Statutes at Large, Vol. 9, 329, 330.

Your petitioners would further state that the long and uninterrupted occupancy and possession of said grant under Spain and Mexico made the title of the said petitioners perfect at the date of said treaty of Hidalgo, and entitles the said petitioners under the said act of July 22, 1854, to present said title to the surveyor-general, and if the same shall be found bona fide to have the same reported to Congress for confirmation, to the legal heirs and representatives of the said Antonia Rosa Lujan. Your petitioners would further state that the quiet and peaceable possession and occupancy of said lands, under a grant from Spain and Mexico, ever since the 2d of February, 1848, entitles your petitioners to a confirmation of their title under the laws of the said Territory of New Mexico, Feb. 1, 1858 [see compiled laws of New Mexico, page 516], and the laws of the United States, and to respectfully ask that said grant be recognized and confirmed by the United States as a bona fide grant, and that it be surveyed when confirmed, and that upon the approval of said survey a patent to the said heirs and legal representatives of Ant'a Rosa Lujan be issued.

All of which is respectfully submitted to the hon. surveyor-general of New Mexico for his action in the premises.

JOHN S. WATTS,
Attorney for the heirs of Ant'a Rosa Lujan.

(Indorsed:) Filed Oct. 5, 1872.

SUPPLEMENTAL PETITION OF CLAIMANTS TO SURVEYOR-GENERAL.

To the Hon. H. M. ATKINSON,
U. S. Surveyor-General:

Your petitioners, the heirs and legal representatives of Antonia Rosa Lujan, the deceased daughter of Juan Antonio Lujan, represent to your honor that they are the legal owners and actual occupants of a certain tract of land known as the Rito de los Frijoles tract. That said tract of land lies in the county of Bernalillo and Territory of New Mexico, and is bounded as follows: On the north by the southern limits of the grant to Pedro Sanchez, known in the office of the surveyor-general for the Territory of New Mexico as confirmed private land claim No. 38; on the east by the Rio Grande del Norte; on the west by the Rocky Mountains; and on the south by the grant to the Cochiti Indians. They further represent that said tract of land has not been surveyed and it is not possible to give any accurate description thereof; but they herewith file for the inspection of your honor as correct a sketch of the same as circumstances permit, and your petitioners further represent that the said tract of land was by Governor Manrique granted to one Andres Montoya at some time previous to the year 1780; that the said Andres Montoya continued to live on the tract of land so granted until the year above named, when, at and by his request, the said land was transferred by the then governor of the Territory of New Mexico to Juan Antonio Lujan, the son-in-law of the said Andres Montoya. And they further represent that the said Juan Antonio Lujan and his successors continued to live upon the said tract of land until the year 1811; that in said year, owing to certain depredations having been committed in the vicinity of said Rito de los Frijoles tract of land, Governor Manrique, the then governor of the said Territory, ordered the successors of the said Juan Antonio Lujan to vacate the premises; that they complied with this order and lived out of said land until the year 1814; that in the year last named Antonia Rosa Lujan, the daughter of the said Juan Antonio Lujan, and granddaughter of the original grantee, Andres Montoya, petitioned his excellency the governor to restore to herself and successors the tract of land of which they had been deprived, as hereinbefore stated. That the said governor appointed one Antonio Ortiz of the City of Santa Fé to report upon the truth of the averments made in the petition of the said Antonia Rosa Lujan. That the said Antonio Ortiz duly reported thereon, and the said governor thereupon issued a decree restoring the said Antonia Rosa Lujan and her successors for ever to the said Rito de los Frijoles tract of land. And your petitioners further represent that they and their predecessors have had, ever since said decree restoring the said tract of land to them, the uninterrupted, quiet and peaceable possession and enjoyment thereof, and that they know of no adverse claim to said tract of land.

And your petitioners further represent that the original papers showing the facts hereinbefore stated are on file in your office as private land claim, No. 106, the same having been filed for approval by John S. Watts, attorney, but as yet no action has been taken upon said papers.

And your petitioners further represent that said documents show:

I. The petition of Antonia Rosa Lujan to his excellency, Gov. Manrique, citing the grant to her grandfather, Andres Montoya, of the premises hereinbefore described, the transfer to her father by Governor Anza and at the request of the said Andres Montoya, and asking to have the said premises restored to herself and successors.

II. The certificate of Friar Antonio Caballero verifying the statements made in said petition.

III. The order of said governor to one Antonio Ortiz to report upon the facts of case.

IV. The report of said Ortiz.

V. The decree of said governor restoring the premises to the petitioner and successors and dated at Santa Fé, April 4, 1814.

VI. The petition of Juan Antonio Salas, the husband of the above-named Anto Rosa Lujan, reciting the facts above mentioned, and stating further that the origi grant to Andres Montoya had been lost, and asking that the duplicate among archives of the governor might be given to him.

And your petitioners, believing that they have a just and legal title to the s premises, they hereby petition your honor to take such favorable action thereon accordance with the treaty of Guadalupe Hidalgo, and the act of Congress appro July 22, 1854. And they further ask that the said tract of land may be surveyed set off to them in accordance with said grant.

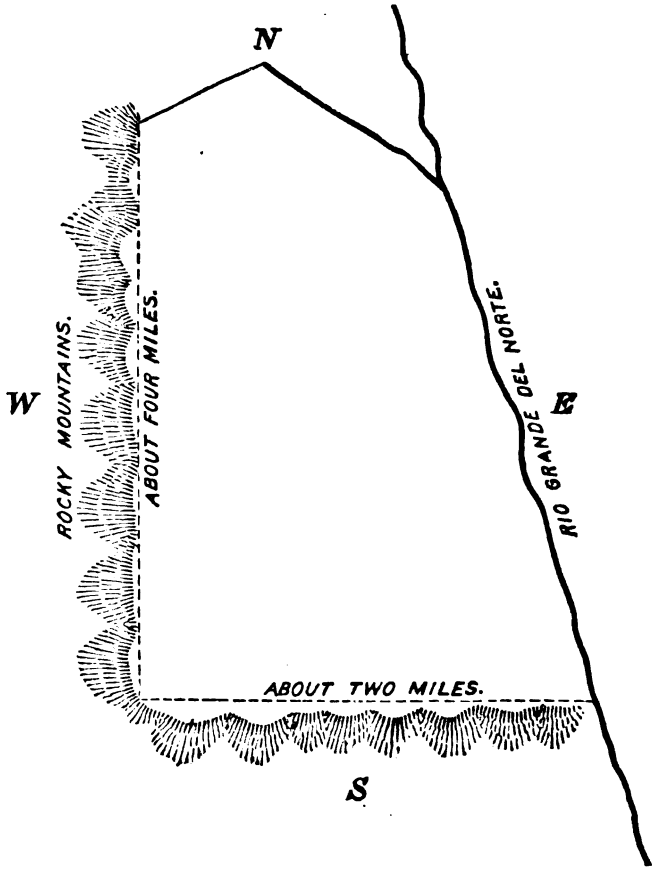
Most respectfully submitted by—

CHAVES and WADE,
Att'ys for petitioner

(Endorsed:) Filed, March 19, 1881.

CLAIMANTS' SKETCH MAP.

Grant to Ramon Vigil.



Grant of Cañada de Cochiti.

PLAT OF THE RITO DE LOS FRIJOLES GRANT.

CLAIMANTS' EXHIBIT A (SPANISH).

[Dos reales. Sello. Dos reales. Sello. Sello tersero. Dos reales. Años de mil ochocientos seis, y ochosientos y siete. Valga pa. el bienio de 1814 y 1815. Rubrica.]

Sor. The. Coronl. Govr. Interino:

Anta. Rosa Lujan, vecina de Nra. Señora de Guadalupe de Cochiti, parece ante vm. en toda forma de dro. con la mas devida atencion qe. por dro. es conferida, y dice Sor. qe. hace precente ante la superioridad de vm. qe. allandoce en vecita General el Sor. Dn. Juan Bactista de Anza se le precento mi abuelo Andres Montolla aciendole precente qe. tenia una merced concedida por el Sor. Dn. Pedro Fermin de Mendinueta, Govor., qe. fue de esta Prova. y qe. por allarce abansado no podia usar ni cultivar la por sus cortedades y qe. se le hiciera la gracia de trasferir la merced a favor de mi Pe. Juan Anto. Lujan, qe. era llerno de mi sitado abuelo quien puso toda solicitud en cultivar el sitado sitio qe. comunmte. llamar los Frijoles, poblandolo desde aquel tiempo asta qe. murio dejandolo a beneficio de sus hijos qe. somos los qe. lo emos tenido y poceido con el dro. ve. adquirimas de Nro. difunto Padre, asta el año de 811, qe. se nos comunico la orden de vm. qe. nos retiraramas del sitio por aberce.

Verificado algunos robos echos por otras personas inpârciales qe. se habian agregado abivir, alli, sin tener conocimto. de su proceder, a cuia orden sedio el devido obedecimto. asta el precente año y conciderandome livre de el delito qe. aquellos mas entretenidos dieron ó hicieron para qe. yo y mi familia caresco mas de nro. bien estar y estemos padeciendo nececidades qe. por esa causa tenemos siendo asi qe. por mi se descubrio y se justifico la causa dando yo parte a la justicia para qe. se pnciera el remedio qe. si necesario fuere lo sertificare el Sor. The. de nro. partido; y allandome sumamte. con una mui corta suerte de tierra para sembrar y poderme sostener yo y mi fâmilia se ase preciso molestar la atencion de vm. para qe. si lo tubiere a bien y fuere de su agrado se me conceda poblar nuebamte. el referido sitio acompañada de dos hombres qe. son Isidro Urtado y Santiago Urtado, aquienes les permito accion interviva, con la interesada qe. estos seleñ y belen qe. no siga daño ni perjuicio a los vecinos de aquel sitio ni á otros ningunos sino vivir pasificos y mantenernos con algun alivio; y para justificacion de ser justa mi solicitud qe. por dro. ago a la piedad de vm. juntamte. precento una sertificacion, dada por el R. P. Fr. Anto. Cavallero desde el año de 1807 en la qe. consta el dro. qe. me aciote y la consecion qe. á mi difunto Padre se le confirio, por el sitado Sor. Govor. In. Bactista Anza conformandose con la justification qe. a mi dro. habla, suplico a vm. rendidamte. se sirva concederme la gracia qe. solicita qe. en hacer como lo pido recivire merced en justicia qe. inpedro y en lo necesario y juro en toda forma no proceder con malicia.

ANTONIA ROSA LUJAN.

STA. FEE, *y Abril* 1, 1814.

SANTA FÉ, 2 *de Abril de* 1814.

Con atencion a mis repetidas tareas en el despacho de este Govno. por esa causo no me hablo en el caso de oir por mi a la parte presentada en esta instanza por lo que comisiono al efecto pa. que entienda en ella en toda integridad a justicia a Dn. Anto. Ortiz, veco. de ista villa, qe. en presunza. de los documtos. que cita la interesada y de los amendamtos. que hubo para retirar por disposicn. de este Govo. a los que se hallaban de Pobladores en quel citio nombrado los Frijoles por sus malos procedimtos. y no hallarse en ellos ninguna formalidad de las prevenidas en aquel lugar como son de casas y demas requisitos de todo poblador si no es en vivir estos en cuebras lo mismo q. los gentiles, practicara dho. dho. Sor. comisiono. las diligencias correspondientes al efecto de si cambiar o no ascenderá la solicitud de la suplicante pa. qe. con lo que remita resolver lo que paresca de justicia.

MAURRIQUE.

SANTA FÉ, 3 *de Abrl. de* 1814.

En birtud del Decreto del Señor The. Coronel y Governador Interino en que me comisiona, sobre que practique las diligencias pertenecientes de Antonia Rosa Lujan, vesina de la Cañada de Cochiti, digo que habiendome hecho cargo de su escrito, y pedidole les documentos que en el expresa, solo me ha presentado una certificacion que en el año de mil ochocientos siete les dio el M. R. P. custodio Fr. Antonio Cabellero y no paresiendome suficiente justificacion para disernir sobre el particular de que se trata les he pedido otras constancias ó documentos que probaran su justificacion y habiendo traido al Alfz. de milicias Dn. Mariano Romero a mi presencia, con el fin de que declarara lo que sabia sobre lo dicho, digo que en tiempo del Señor Governor D. Pedro Fermin de Mendinueta, habiendose puesto Juan Antonio Lujan a romper y desmontar en la posesion del citio de los Frijoles que demandan, le salieron al impedimento. D. Domingo Romero, difunto, y su hermano Migl. Romero; presentandose á dho. Sor.

Governor, Don Pedro Fermin de Mendinueta, quien sentencio que dho. L
rompiera ni poblara en aquel citio por corresponder a los herederos de Andr
toya, quien habia habido el referido sitio por probeydo del Señor Governor, y a
de sus hermanos y haber pagado al difunto D. Felipe Tafaya, dosientas obeja
dara el dicho Montoya segun consta por su recibo pero despues D. Domingo
habiendose combenido con dho, Lujan le mando como parcionero que era p
de su esposa que abriera lavor, pero con la condision de que no habia de hac
de terrado, de pribar los abrebaderos ni esponer quejas de daños, y los que di
Don Mariano Romero se portaron de buena fee hasta el año de 1811, como con
los documentos que dice el referido D. Mariano Romero estan archibados en el a
de esta ciudad.

Y no habiendo mas justificacion que la espuesta paso estas diligencias a ma
Sor. Governor, pa. que determine lo qe. sea a su superier Agrado, y lo firme en
dia, mes y año.

ANTONIO O

STA. FÉ, *Abril* 1,

En vista del resultado de lo practicado pr. D. Anto. Ortiz, segun aparece en
tecedente informe conbengo en que Maria Rosa Lujan, vesina de la Cañada de C
interesada en esta insta. se traslade al citio que solicita como propiedad sulla
en el Rito de los Frijoles con los dos vesinos que anuncia, Pedro Hurtado y Sa
Hurtado, entendido de que por ningun titulo ni motibo á de permitir en aquel
ninguna persona que no sea conocida pr. de buenas costumbres pues la ca
haber resuelto el Govor. despoblar antes de esto el referido sitio fue por abitar
rios individuos de mal proceder los que es constante estubieren presos en la
de esta Capital, por los referidos robos de reses que halli comitieron en varios ve
todo lo que fue bien justificado y spre. que en lo subsesibo se observe el que aq
pobladores trastornen el buen orden de su proceder no habra lugar á que com
en el enunciado puesto y si seran apremiados con el rigor de la Ley y ps. que
le ponga embaraso ni impedimto. á la demandante pa. los fines que solicito doy e
sente en dho. dia, mes y año, y que presentara á los jueses a quien corresponda
inteliga. y cumplimto. en la parte que les tocan.

JOSEPH MAURIQ

CLAIMANTS' EXHIBIT B (SPANISH).

Sr. The. Coronl. Govr. Inro. Dn José Maurrique:

José Antonio Salas, vesino de la Cañada de Cochiti, mante vmd. se presenta e
mas debida submision y dice que por quanto se le a perdido la merced del ra
que posee yamado el Rito de los Frijoles dada por el Señor Govor. Dn. Thomas
Cachupin y refundada por el Sr. Dn. Juan Bautista de Anza, cuio original se all
el archibo del Govierno y conosiendo la grande falta que me hase suplico ren
mente se me franquee dho. original para los fines que me conbengan quedando p
a exibir el coste correspondiente, por todo lo qual a vmd. pido y suplico se d
esceder a la suplica que solisito que en aserlo resebire merced y juro no ser de ma

JOSÉ ANTO. SAL

STA. FEE, *Febrero 28 de* 1803.

CLAIMANTS' EXHIBIT C (SPANISH).

Fr. Antonio Cavallero de la Regular observa. del ordn. de Menores de Nro. Se
P. Sn. Franco. Pr. Gral. Difr. Actual de esta Santa custodia y ministro cura parro
la missn. de Nro. Serafico Doctor Sn. Buenava. de Cochiti, certifico en cuanto p
y el derecho me permite que en el año de mil setecientos y ochenta andando
visita juridica el Señor Coronel Dn. Juan Bapta. de Anza, Govr. de esta Proa., ll
esta de Cochiti, y haviendose presentado por suplica mia el vecino Andres Mont
que ya es difunto á dicho Sr. Govr. le dijo pasase por su vista una merced ó in
mento que trahia en que se le concedia y permitia poseer un pedeza de tierra ó ra
de pan llevar sito, en el paraje que llaman el Riito de los Frijoles, cuya merced
fue dada en tiempo de Dn. Tomas Velez Cachupin, Govr. que fue de este Reino la
en su poder algunos años sin usar de ella, ni menos beneficiar dicho rancho ó sitio
su abanzada edad, y no tener medios suficientes, para desmontar y romper
sitio, hasta que vino dicho Sr. Govr. Anza a su visita y hecho capaz S. S. de todo
paso y cedio dicha merced y sitio á un yerso suyo llamado Juan Antonio Lujan
que este lo poseyese, y usase libremente sin que ninguno le pusiese obstre, que asi e

voluntad convino en ello el Sr. Govr. y paso la merced y posesion de tal rancho al referido Juan Antonio Lujan que ya es difunto todo lo referido paso delante de mi que me hallaba presente, empezó dicho Lujan a poner en corriente dicho rancho, para lo qual trabajo muchissimo en desmontarlo por hallarse heriazo, haviendole yo prestado herramienta de azadones, hachas, arados y bueyes, hasta que ultimamente lo puso en corriente de poderse sembrar. Lo poseyo unos, cuatro ó cinco años, que despues de ellos, murio, y se lo dejo á sus hijos, y herederos y por suplica que me hizo uno de sus yernos del difunto Lujan el que esta casado con una hija del difunto llamada Antonia Rosa Lujan y el se llama José Antonio Salas, le diese una certificacion en la que constasen las circumstancias del modo que estaba dicho rancho, y sitio y no pudiendome negar á cosa tan justa, se la di en los terminos referidos anterior es para los fines que le convengan, dada en esta dicha Missn. en 28 dias del mes de Diciembre de 1807 as.

FR. ANTONIO CAVALLERO.

TRANSLATION OF CLAIMANTS' EXHIBIT A.

[L. S. Two reals. Seal third, two reals, years of one thousand eight hundred six and eight hundred and seven. Good for the two years of 1814 and 1815. Rubric.]

Sir Lieutenant Colonel and Governor, ad interim:

Antonia Rosa Lujan appears before you in all legal form with the most due attention which is by law conferred upon her, and states, sir, that she calls to recollection before your superiority that when the Sir Governor Juan Bactista de Anza was upon a general visit, my grandfather, Andres Montoya presented himself before him, calling to his recollection that he had held a grant made to him by the governor, Pedro Fermin de Mendinueta, governor that was of this province, and that on account of finding himself advanced in years he could not use it, nor cultivate it by reason of his lack of means, and that he would do him the favor to transfer the grant in favor of my father Juan Antonio Lujan, who was son-in-law of my said grandfather, who took every pains in cultivating the said tract which they commonly call *Los Frijoles*, dwelling there from that time until he died, leaving it for the benefit of his children, we who are the ones who have held and possessed it by the right which we acquired from our deceased father until the year 811, when your order was communicated to us that we should vacate said tract on account of some robberies having occurred, committed by other indifferent persons who had banded themselves together to live there; without having any knowledge of their acts, to which order due obedience was given up to the present year, and, considering myself free from the crime which those evil disposed persons perpetrated and committed that I and my family should be deprived of our good position, and we are suffering necessity which we have on that account, the fact being that it was found out through me and the case adjudicated, I giving information at the trial in order that the remedy might be applied, which, if it should be necessary, the lieutenant of our precinct will certify, and finding myself with an extremely small piece of land to plant and enable me to support my family makes it necessary to trouble your attention, in order that if you should see fit, and it were agreeable to you, you allow me to settle again the aforesaid tract in company with two men, who are Isidro Urtado and Santiago Urtado, to whom I allow a life interest, with the understanding that they take care and watch that there does not follow any injury or damage to the neighbors of that tract nor to any others, but to live peaceably and support ourselves with some comfort; and, in proof of my petition being just which I make to your mercy, I humbly offer a certificate given by the Reverend Father Friar Anto. Cavallero during the year 1807, in which appears the right which sustains me and the concession which was conferred upon my deceased father by the said Governor Juan Bactista Anza, and conforming yourself to the justifying plea which speaks in my favor, I earnestly entreat you that you be pleased to do me the favor which I solicit, that in doing as I ask, I will receive grace in justice which I impetrate and in whatever is necessary, etc. I swear in due form that I do not act in malice.

ANTONIA ROSA LUJAN.

SANTA FÉ, and April 1, 1814.

SANTA FÉ, *April* 2, 1814.

In view of my excessive duties in the administration of this Government, on that account I do not find myself able to hear in person the party before me in this petition, wherefore I commission for this purpose, that he may take cognizance of it in all the integrity of justice, Mr. Antonio Ortiz, resident citizen of this city, who by a review of the documents cited by the party interested, and of the proceedings formerly had for displacing, by order of this Government, those finding themselves as set-

tlers in that tract called *Los Frijoles*, because of their evil deeds, and not amongst them any formality in defensive improvements in that place such a and other things required of all settlers, on the contrary that they live in ca same as barbarians—the said commissioner will make the returns correspon the premises, whether it shall be changed or the petition of the suppliant de order that by the result what seems just may be determined.

MAURI

SANTA FÉ, *April* 3d,

In virtue of the decree of the lieut.-col and governor ad interim, in he commissions me to make a report regarding Antonia Rosa Lujan, resi the Cañada de Cochiti, I state that having taken her writing in charge quested of her the documents mentioned in it, she has only presented me with tificate, which, in the year 1807, the Minister Reverend Father Guardian Antonio Caballero gave them, and it not seeming to me a sufficient justificatio decision in the matter treated of therein, I have requested of them other or documents to prove her justification; and having brought the Lieut. of Mariano Romero before me for the purpose of declaring what he knew respecti foregoing, I state, that in the time of Governor Pedro Fermin de Mendinneta, Antonia Lujan having commenced breaking up and clearing off in the possess the tract of *Los Frijoles* which they claim, there come out to hinder him Do Romero, deceased, and Miguel Romero his brother, presenting themselves said Governor Pedro Fermin de Mendinneta, who decreed that said Lujan shou break ground nor settle on that tract because it belonged to the heirs of A Montoya who had held the said tract under decree of the governor and friends his brethern, and because of having paid to Felipe Tafoya, deceased, two hu ewes which said Montoya owed him, as appears from his receipt. But after Domingo Romero, having agreed with said Lujan, ordered him as partner wh was on the part of his wife to open up fields, but on the condition that he shou build a house with towers, hinder the watering places, nor lay himself liable to plaint and damages (who, the said Mariano Romero says, conducted themselv good faith up to the year 1811) as appears from the documents which the afo Mariano Romero says are deposited in the archives of this city.

And there not being any justification further than that set forth I transmit proceedings to the hands of the governor that he may determine whatever may his superior pleasure, and I signed it on said day, month, and year.

ANTONIO ORTIZ,

SANTA FÉ, *April* 4, 1

In view of the result of the proceedings had by Antonio Ortiz, as appears fro foregoing report, I decide that Maria Rosa Lujan, resident of the Cañada de Co party interested in this case, may move to the tract which she solicits as her pro which is on the *Rito de los Frijoles*, with the two citizens whom she mentions, Hurtado and Santiago, Hurtado, it being understood that for no title or cause sha permit on that tract any person who is not known as of good habits, since the gove reason for having resolved heretofore to depopulate said tract was because the quented there various individuals of evil deeds whom as appears of record were oners in the jail of this capital for the repeated robberies of beeves which they comm there upon various residents, all of which was fully proven, and forever in the if it is observed that those settlers depart from good order in their actions, opport to continue in said place will not be given them, and they shall be punished the rigor of the law, and, that no embarrassment or impediment may be placed way of the plaintiff for the purposes which she solicits I give these presents on day, month, and year, and that she may lay before the proper judges for the formation and fulfillment in the part corresponding to them.

JOSEPH MANRRIQ

The foregoing is a correct translation of its original in Spanish to the best knowledge and belief.

J. H. WATTS.
Transla

Sworn to and subscribed before me at Santa Fé, N. M., this 26th day of Septe A. D. 1872. Witness my hand and notarial seal.

[SEAL.]

JOHN WATTS,
Notary Pu

TRANSLATION OF CLAIMANT'S EXHIBIT B.

[Translation.]

Sir Lieutenant-Colonel and Governor ad interim:

José Antonio Salas, resident of the Cañada de Cochiti, appears before you with the most profound submission and states that whereas he has lost the grant of the farm which he possesses, called the *Rito de los Frijoles*, given by the Governor Thomas Velez Cachupin, and re-authorized by Juan Bactista de Anza, the original of which is found in the archives of the Government, and knowing the great inconvenience it causes me, I earnestly entreat that said original may be delivered to me for the purposes I may deem fit, holding myself ready to exhibit before the proper court, on account of all which I beg and entreat you would be pleased to grant the request which I solicit, that in doing so I will receive grace, and I swear not to act in malice.

JOSÉ ANTONIO SALAS.

SANTA FÉ, *February* 28, 1803.

The foregoing is a correct translation of its original in the Spanish language to the best of my knowledge and belief.

J. H. WATTS,
Translator.

Sworn to and subscribed before me at Santa Fé, N. M., this 26th day of September, A. D. 1872.

Witness my hand and notarial seal.

[SEAL.]

JOHN WATTS,
Notary Public.

TRANSLATION OF CLAIMANT'S EXHIBIT C.

Friar Antonio Cavallero, of the regular original practice of the order of minors of our serafic father, San Francisco, as actual defender-general of this sacred charge and minister priest parroquial of the mission of our serafic father, Doctor San Burnaventura de Cochiti, certify as far as able and the law permits me, that in the year of one thousand seven hundred and eighty, while proceeding on his judicial visit the Sir Colonel Juan Baptisto de Anza, governor of this province, he arrived at this of Cochiti, and the citizen Andres Montoya, who is now dead, having presented himself to the said sir governor, I said to him that he should glance over a grant or instrument which he brought, in which he is granted and permitted to possess a piece of land or farm of cultivable land situated at the place which they call *Rito de los Frijoles*, which grant was made to him in the time of Tomas Velez Cachupin, governor, that was of this kingdom. He held in his possession for some years without using it or improving said farm or tract, on account of his advanced age and not having means sufficient to clear off and break up said tract, until the said Sir Governor Anza came on his visit, and his lordship being empowered in all respects, transferred and ceded said grant and tract to a son-in-law of his called Juan Antonio Lujan in order that this one might possess it and use it freely without any one impeding him, that such was his pleasure.

The sir governor decided upon this and turned over the grant and possession of said farm to said Juan Antonio Lujan, who is now deceased.

All this aforesaid took place before me, who was present.

Said Lujan commenced to work said farm on which he labored very much in clearing it off, it being virgin land, that afterwards he died and left it to his children and heirs, and by request made to me by one of the sons-in-law of the deceased Lujan, who is married to a daughter of the deceased called Antonia Rosa Lujan, and his name being José Antonio Salas, that I should give him a certificate of the facts appearing in the circumstances of the state of said farm and tract, and not being able to deny a thing so just, I gave it in the said foregoing terms for the purposes which may seem proper.

Given at this said mission on the 28th day of the month of December, 1807, A. D.

FR. ANTONIO CAVALLERO.

The foregoing is a correct translation of the original, in Spanish, to the best of my knowledge and belief.

J. H. WATTS,
Translator.

Sworn to and subscribed before me, a notary public in and for Santa Fé Co., Territory of New Mexico, this 26th day of September, A. D. 1872.

Witness my hand and notarial seal.

[SEAL.]

JOHN WATTS,
Notary Public.

TESTIMONY OF WITNESSES.

[Heirs of Antonio Rosa Lujan, deceased. Los Frijoles tract.]

MANUEL HURTADO, being by the surveyor-general duly sworn, on his oa clares:

Question (by John S. Watts, attorney for present claimants). What is your age, and residence?—Answer. My name is Manuel Hurtado, my age I do not precisely, but I am at least seventy-five years old; am a very old man, and I the pueblo of Cochiti. I was born in the Cañon of Cochiti, north of the p pueblo.

Q. Do you know the Rito de los Frijoles tract of land, so called, and if so, state its locality?—A. I know the tract mentioned, but know nothing of the for the land there. The place is about seven leagues to the north of the pue Cochiti.

Q. Whom is the tract reputed to belong to?—A. To the Salas.

Q. How long have you known the Rito de los Frijoles place?—A. All my life

Q. Has it been lived upon and occupied, and by whom?—A. It was so occupi José Antonio Silas and his wife Antonia Rosa Lujan. These both died at the p of Cochiti and were buried in the church at the pueblo, they and all the inhabi at the Cañan or Rito de los Frijoles having been compelled to abandon the pla account of the hostilities of the Navajo Indians.

Q. Since that expulsion have any of the heirs of Salas and Lujan returned t place and occupied it?—A. They have not. One of them, however, three year went to live and cultivate there, but he was killed by lightning there, and since no one has gone to live there.

Q. If you know who are the heirs of said Salas and Lujan please name them Juan Salas is one, Miguel Salas another, Rafael Salas another, males, and fem Dominga Salas, her sister Guadalupe Salas another, their sister Anastacia Salas, all these all the males are alive, and of the females only Dominga, and they all r here in New Mexico.

Q. Please state, if you can, the boundaries of the Frijoles tract?—A. They a the north the Cañada Aucha at the Potreros de Pajarito, on the east the Ric Norte, on the south the edge of the Cañon del Alamo, and on the west the edge o Valles Mountain.

Q. Have you any interest in this claim?—A. I have none.

MANUEL (his x mark) HURTAI

Sworn to and subscribed before me this November 26, 1872.

J. K. PROUDFIT,
Surveyor-Gener

[Los Frijoles. Private land claim, file No. 106.]

In the matter of the investigation of this claim, the grant to Antonia Rosa Luj

Present: H. M. Atkinson, surveyor-general; D. J. Miller, translator and interpre S. M. Barnes, U. S. district attorney, and Amado Chaves, attorney for the claim under the said grant. The following testimony was presented and taken down:

TOMAS SALAS, being by the surveyor-general duly sworn, on his oath declares:

Question (by Amado Chaves, attorney for claimants). What is your name, and residence?—Answer. My name is Tomas Salas, my age is forty-five years, and place of residence is at the town of Peña Blanca, in the county of Bernalillo, and ritory of New Mexico.

Q. Do you know the tract of land known as the Rito de los Frijoles grant; i please state where it is situate?—A. I know the tract, which is situate upon other side of the Rio Grande del Norte and above the Cañada de Cochiti, now in said county of Bernalillo. I have known the tract all my life. It was first occu by Antonia Rosa Lujan, and afterwards by her children.

Q. To whom does the land belong now?—A. To the children of Antonia Rosa jan.

Q. Under what title or claim did Antonia Rosa Lujan hold said land if you know A. She held under a grant which she had therefor.

Q. State if you know them, the boundaries of the tract.—A. On the south the mo of the Cañon del Alamo, so called, on the west the mountain, on the north a p called the Potrero or natural horse corral, and on the east the Rio Grande del Nor

Q. Do you know of any adverse claim to this land?—A. I do not.

Cross-examination

Question (by S. M. Barnes, U. S. district attorney for New Mexico). Can you read and write?—Answer. I can.

Q. Have you ever seen or read the papers in the grant for the land you refer to sought to be confirmed in this case?—A. I have seen them and read them.

Q. When and where?—A. I saw and read them at my house about two or three weeks ago. It was the last but not the only time I had seen and read them as they had been in my possession till then.

Q. How long had you had the papers in your possession and whom did you obtain them from?—A. I had them in my possession ever since I can remember, they having been delivered to me at the death of my father, Francisco Salas, who was the eldest child of Antonia Rosa Lujan.

Q. Have these papers ever been out of your possession since you first obtained them and before the commencement of this proceeding to confirm the grant, and if so in whose possession were they then in?—A. They were never out of my possession except when delivered to the office of the surveyor-general for filing.

Q. Are you interested in having this grant confirmed, and if so to what extent are you so interested?—A. I am so interested as one of the heirs, being a grandson of the original grantee, and am interested to the extent of a natural desire that the grant be confirmed, and I claim to own a part of the land. I do not live upon the tract but cultivate a portion of it.

Q. How much within the boundaries of the tract is enclosed or fenced in?—A. The cultivable portion of the tract is mainly in cañon, whose sides form a natural enclosure or fence, so that little constructed fencing is used.

Q. What do you know, if any thing, about any mines or minerals upon the grant—state what they are if any you know of.—A. I have no knowledge upon the subject whatever.

TOMAS SALAS.

Subscribed and sworn to before me this March 22, 1881.

HENRY M. ATKINSON,
Surveyor-General.

In the matter of the investigation of the claim, file No. 106, alleged grant to Antonia Rosa Lujan.

Investigation resumed this 8th day of March 1883.
Present: H. M. Atkinson, surveyor-general, Dav. J. Miller, translator.
No attorney present.

ANTONIA JOSE LUCERO, of lawful age, having been first duly sworn, deposeth and saith:

Ques. State your name, age, occupation and place of residence.—Ans. My name is Antonia Jose Lucero; I am seventy-six years old; reside at Peña Blanca, Bernalillo County, New Mexico, and am a farmer.

Ques. How long have you lived at Peña Blanca?—Ans. About fifty-two years and was born in the Cañada de Cochiti, where I lived for sixteen or seventeen years, from whence I moved to Peña Blanca.

Ques. Are you acquainted with a tract of land known as the Rito de los Frijoles tract, or grant to Antonia Rosa Lujan; if so, how long have you known it, where is it situated, and what are its boundaries?—Ans. I have known such a tract for all my life; I used to go there every summer to visit my great grandfather, Sebastian Salas. It is situated in Bernalillo County, I think, Territory of New Mexico. It is bounded on the north by the Canada Aucha and the Potrero del Pajarito, that are close together, on the east the Rio del Norte, on the south the Cañon del Alamo, on the west by the top of the Valles Mountain.

Ques. Who has occupied this tract since you have known it?—Ans. The descendants of Antonia Rosa Lujan have always lived there and she lived there.

Ques. Is Antonia Rosa Lujan now living?—Ans. She died in the Cañada de Cochiti on this land when I was quite small.

Ques. How do you know there was any grant to this tract of land to Antonia Rosa Lujan?—Ans. I knew it because I saw it when I went to the Rito; I saw the written grant papers.

Ques. In whose possession were these papers when you saw them?—Ans. In the hands of Rosa Lujan.

Ques. Can you read and write?—Ans. No.

Ques. Then how do you know they were the grant papers you saw?—Ans. Because I heard my grandfather, Juan Domingo, read them.

Ques. How old were you when you first heard them read?—Ans. I was about ten years old.

Ques. How did your grandfather come in possession of the papers, and what the occasion of his reading them to you?—Ans. I was a boy around there and pened to hear my grandfather read them at the request of Antonia Rosa Lujan.

Ques. When and where did this occur?—Ans. At my grandfather's house; I do recollect when, as I was quite young.

Ques. If you were so young how do you happen to remember the boundarie well?—Ans. I heard them read by my grandfather and I knew the points mentio

Ques. Had you ever at that time seen any of the points mentioned?—Ans. Yes, I had been at them.

Ques. How many times did you ever hear the grant papers read; was it only time you speak of?—Ans. I heard them read four times.

Ques. When was the second time you heard them read, when and where and whom?—Ans. The second time was at my grandfather's, Juan Domingo, and by

Ques. How did he happen to be reading them again?—Ans. After the death of Lujan's husband she brought the papers again to my grandfather to read. I then about 22 years old.

Ques. How about the third time you heard them read?—Ans. She, Antonia Lujan, brought them again to my grandfather to read.

Ques. How long was it between the second and third times you heard them read Ans. It was about a month.

Ques. When was the fourth time you heard them read, and when and where by whom were they read?—Ans. It was about a month, more or less, after the th time I heard them read by my grandfather.

Ques. Did you see the grant papers at these various times which you mention having heard them read?—Ans. I saw them in the hands of my grandfather and listening, but did not have them in my own hands.

Ques. Examine these papers and state if you have ever seen them before.

[Here was shown the witness the original grant papers filed by claimants.]

Ans. I may have seen them but can not read; but think they are the same t were in the hands of Antonia Rosa Lujan, and which I heard read by my gra father; my eyesight is bad and I can not tell without hearing them read. [Here papers, Exhibit A, were read to witness, when he further answered.] It is the sa that I heard my grandfather read, and I have no doubt of it.

Ques. Have you any interest in this grant?—Ans. I don't know whether I have not; I may have, and if so will know. I am not related to the grantee in any wa but my grandfather lived there and his son, who was my uncle, was married to A tonia Rosa Lujan.

The latter had a number of children. Two sons are now living.

ANTONIO JOSE (his x mark) LUCERO

Subscribed and sworn to before me this 8th day of March, 1883.

HENRY M. ATKINSON,
Surveyor-General

CLAIMANT'S BRIEF.

[Rito de los Frijoles tract. The heirs, assigns, and legal representatives of Antonia Rosa Lujan The United States.]

Brief of petitioners.

The muniments of title in this case are on file in the office of the surveyor-gener for the Territory of New Mexico, and are known as private land claim No. 106.

By reference to these papers it will be seen that they were filed in the office of t said surveyor-general, on or about the 5th day of October, 1872, by Hon. John Watts, acting as attorney for the above-named claimants. And by reference to t testimony of Tomas Salas, taken before hon. surveyor-general March 22, 188 it is seen that the said papers were in the continued possession of said Salas up and until the date of said filing, and that he received them from his father, who, turn, received them from his mother, the above-mentioned Antonia Rosa Lujan, t original grantee of the tract of land claimed. As a further proof of the authentici and genuineness of the said papers; attention is also called to confirmed priva land claim No. 38 to Ramon Vigil, being the grant of land lying immediately nor of the tract claimed by petitioners, in which papers the grant to Antonia Ro Lujan, known as the Rito de los Frijoles tract, and herein claimed, is spoken of the southern boundary of said private land claim No. 38.

By reference to the muniments of title in question it will be seen that at son time previous to the year 1742 the tract of land known as the Rito de los Frijol

tract, situated in the county of Bernalillo and Territory of New Mexico, then an ultramarine province of the King of Spain, was granted to one Andres Montoya by Pedro Fermin de Mendinueta, the then governor of said province; that the said Andres Montoya continued to live upon the tract so granted until about the year 1780, when, at his request, the said tract was transferred, in accordance with the usages and customs then in vogue, with the consent and by the authority of Governor Anza, the successor of the said Pedro Fermin de Mendinueta, to one Juan Antonio Lujan, the son-in-law of the said Andres Montoya; that the said Juan Antonio Lujan and his successors lived upon and cultivated the tract of land so granted and transferred until about the year 1811; that in that year, owing to certain depredations having been committed in the neighborhood of the said tract of land, one Manrique, the then governor, ordered the said Juan Antonio Lujan and those claiming under him to vacate the premises; that in the year 1814 Antonia Rosa Lujan, the daughter of the said Juan Antonio Lujan and granddaughter of the said Andres Montoya, petitioned the said governor to restore to her and her successors the land originally granted to her grandfather, transferred to her father, and of which, two years before, he had been deprived as above stated; and that Governor Manrique, in accordance with the prayer of this petition, and with due regard to the legal formalities in vogue at the time, made a re-grant of the Rito de los Frijoles tract of land to the said Antonia Rosa Lujan and her successors forever.

By reference to the testimony of Manuel Hurtado, taken before the hon. surveyor-general November 26, 1872, it will be seen that the said Manuel Hurtada was and had been acquainted with the Rito de los Frijoles tract all his life; that he was personally acquainted with the said Antonia Rosa Lujan, and that to his certain knowledge she and her successors had lived and cultivated the said tract of land since the year 1814, and that they still occupy and have an undisputed possession of the said tract.

It would seem therefore beyond a reasonable doubt, in view of the confirmatory statement made in the private land claim No. 38 as hereinbefore mentioned, and after a comparison of the signatures in said papers with those purporting to be the same on file in the office of the surveyor-general and known to be genuine, that said papers are valid and unimpeachable. It is contended, therefore, that the claimants had at the time of the acquisition of the Territory of New Mexico by the Unitee States a perfect, valid, and indefeasible title to the tract of land claimed under thd laws then in force.

In the papers above mentioned and under which the petitioners claim it will be observed that no boundaries to the tract of land in question are directly given; but they are indirectly referred to as being the same as those mentioned in the grant to one Andres Montoya. It is probable, however, that this original grant has been lost or destroyed, and this supposition is confirmed by the petition on file in this case, in the office of the hon. surveyor-general, of one Salas, wherein he prays that the then governor may cause to be given to him the copy in the government archives of the grant conveying to Andres Montoya, his wife's grandfather, the tract of land in question, and further alleges that the original papers had been lost.

Whether or not the prayer of this petition was ever granted does not appear, but the original Spanish archives have been searched and the papers referred to have not been found.

But it is contended by the claimants that this fact does not affect their right to have the tract of land claimed, approved, confirmed, and set off to them by the Government of the United States.

There can hardly be any doubt of the genuineness of the papers under which they claim, in view of the facts of the case, and after a comparison of the signatures in said papers with those purporting to be the same on file in the office of the hon. surveyor-general and known to be genuine. Attention is again called to the confirmed private land claim of New Mexico, No. 38, which not only affords an independent proof of the genuineness of the grant in question, but in the muniments of title of said confirmed grant the grant to one Andres Montoya is referred to as the southern boundary of said confirmed grant. This establishes conclusively the northern boundary of the grant in question. The claimants contend that about what are and have been for a long series of years the limits of the Rito de los Frijoles tract of land there is and never has been any dispute or question whatever. For generations the boundaries of this tract of land have been known and recognized by all persons familiar with that portion of the Territory. And it is here laid down as an undisputed principle of law that where any tract of land is mentioned without giving the boundaries thereof, which afterwards comes in issue, it is entirely relevant and admissible to prove the limits of the tract in question by oral testimony, where better can not be obtained, and such testimony, if in the judgment of the surveyor-general worthy of credit, must be conclusive.

Consistently with this principle, attention is called to the testimony of Thomas Salas and Manuel Hurtado, taken before the hon. surveyor-general, March 22, 1881,

and November 26, 1872, respectively, by which it will be seen that what is now
been for a hundred years known as the Rito de los Frijoles tract of land, is bo
follows: On the north the lands granted to Ramon Vigil (confirmed priv
claim of New Mexico, No. 38); on the south the Cañada de Cochiti grant, as
acted upon by the surveyor-general; on the east the Rio Grande del Norte
the west the Rocky Mountains. It will be observed that the testimony of t
witnesses coincide, so far as they go, with the independent proof afforded by
firmed grant of Ramon Vigil.

It is a well-known historical fact that the representative authorities of ne
Spanish nor Mexican Governments had any system of surveys analogous to th
use of to-day in the territories of the United States, nor in fact any system at
that in all descriptions of land recourse was necessarily had to natural rath
artificial boundaries. Now, assuming the Rito de los Frijoles tract of land
been confirmed under a genuine grant, and the northern boundary thereof to
clusively established by the reference thereto in the confirmed grant here
mentioned, it is a legitimate conclusion, in the absence of other natural lan
that the Rio Grande del Norte is the eastern boundary of the tract in questio
such is the fact is shown by the testimony of the two witnesses hereinbefore
to, and the same force of reasoning will apply to the southern and western
the tract in question.

The attention of the hon. surveyor-general is respectfully called to the de
the Supreme Court of the United in the case of the United States vs. Moreno,
lace, 400, which, upon examination, will be found to be almost identical with
in question.

A summary of the facts in the case alluded to shows that after the acquis
California by the United States, under the treaty of Guadalupe Hidalgo, one
presented a petition the board of commissioners established by the act of Co
of 3d March, 1851, to ascertain and settle private land claims in California, a
ferring powers analogous to those possessed by the hon. surveyor-general for t
ritory of New Mexico, to have his title confirmed to a certain piece of land kn
the Rancho de Santa Rosa, and claimed under a grant from the Republic of M
in pursuance with the provisions of the statute above stated. The commiss
having confirmed the grant, an appeal was taken by the United States to t
trict court of California, and that court having affirmed the report of the co
sioners, the United States brought the case into the Supreme Court by appeal.

It was objected on behalf of the United States to the decree of the district

I. That the "grant is proved by secondary evidence of handwriting witho
legal basis for its introduction having first been laid."

II. That the location and quantity of land are entirely uncertain both in the
and deseño. And the Supreme Court held, Mr. Justice Swayne deliverin
opinion:

"The first objection refers to the proof of the signatures of the governor and
tary to the deed to Moreno, without those officers being called or their absen
counted for. There are no subscribing witnesses to the deed. It was therefo
lowable according to the common law, to prove the signatures by any one acqu
with their handwriting. Such testimony was as competent and valid as the
mony of the writers themselves. It is in no sense secondary evidence. Sec. 2
lips on Evidence, 4th American Edition, 604. If no objection be made, the existen
contents of a record may be proved by parol evidence, and a court of errors wi
for that reason reverse the judgment. In this class of cases, where the docume
proof of title is plenary, and no suspicion is raised as to its genuineness, it
settled rule of this court to regard such evidence as both competent and suffic

In regard to the second objection, that "the location and quantity of the lan
entirely uncertain both in the grant and the deseño," the court says:

"It is proved by the testimony of three witnesses that Santa Rosa was a well-k
rancho * * * and that there was not the least difficulty either in identify
or in ascertaining its boundaries. There is no contradictory evidence on the su
The district court held the evidence to be sufficient, and we concur in that op
* * * It is not necessary to the validity of the title that the land should hav
surveyed and the quantity ascertained."

The court further held in this case, and its statements are equally applica
California and New Mexico:

"California belonged to Spain by the rights of discovery and conquest. Th
ernment of that country established regulations for transfers of the public dom
individuals. When the sovereignty of Spain was displaced by the revolutiona
tion of Mexico, the new government established regulations upon the same su
These two sovereignties are the springheads of all the land titles in California
ing at the time of the cession of that country to the United States by the tre
Guadalupe Hidalgo. The cession did not impair the rights of private property.
were consecrated by the law of nations and protected by the treaty. The treat

ulations was but a formal recognition of the pre-existing sanction in the law of nations. The act of March 3, 1851, was passed to assure to the inhabitants of the ceded territory the benefits of the rights of the property thus secured to them. It recognizes alike legal and equitable rights, and should be administered in a large and liberal spirit. A right of any validity before the cession was equally valid afterwards, and while it is the duty of the court in the cases which may come before it to guard carefully against claims originating in fraud, it is equally their duty to see that no rightful claim is rejected."

In the United States *vs.* Anguisola, 1 Wallace, 358, the court held:

"That the United States have never sought by their legislation to evade the obligation devolved upon them by the treaty of Guadalupe Hidalgo to protect the rights of property of the inhabitants of the ceded territory or to discharge it in a narrow and illiberal manner. They have directed their tribunals, in passing upon the rights of the inhabitants, to be governed by the stipulations of the treaty, the law of nations, the laws, usages, and customs of the former government, the principles of equity and the decisions of the Supreme Court, so far they are applicable. They have not desired the tribunals to conduct their investigations as if the rights of the inhabitants to the property which they claim, depended upon the nicest observance of every legal formality. They have desired to act as a great nation, not seeking in extending their authority over the ceded country, to enforce for forfeitures, but to afford protection and security to all just rights which could have been claimed from the government they superseded."

In 5 Wallace, 827, the Supreme Court say—and as Spain and Mexico had the same system with regard to the donation of the public land the statements of the court are equally applicable to both:

"Mexican governors made three kinds of grants or concessions of vacant public land:

"I. Grants by specific boundaries where the donee is entitled, of course, to the entire tract described.

"II. Grants by quantity, as of one or more leagues of land situated in a larger tract, and usually described by out-boundaries, where the donee is entitled to the quantity specified and no more.

"III. Grants of a certain place or rancho by some particular name, either with or without specific boundaries, where the donee is entitled to the tract according to the boundaries, if given; and, if not, according to the limits of the possession and settlement."

In Alviso *vs.* The United States, 8 Wallace, 337, the court say:

"Where a Mexican grant of land in California designates the land granted by a particular name, but does not give any boundaries, the grantee is entitled to the quantity specified within the limits of his settlement and possession if that amount can be obtained without infringing upon the rights of adjoining proprietors." (See, also, Hornsby et al. *vs.* U. S., 10 Wallace, 224, and Shuttle *vs.* Thompson, 15 Wallace, 151.)

Respectfully submitted.

CHAVES & WADE,
Att'ys for Claimants.

SURVEYOR-GENERAL'S OPINION.

[The heirs and their assigns and legal representatives of Antonia Rosa Lujan *vs.* The United States Before the United States surveyor-general for the Territory of New Mexico.]

(*Opinion.*)

This claim is for a tract of land situate in the county of Bernalillo, Territory of New Mexico, and is presented for investigation in pursuance of the eighth section of the act of Congress approved July 22, 1854, and the treaty of Guadalupe Hidalgo.

The claimants allege in their petition that some time previous to the year 1780 the land was granted to one Andres Montoya, the grandfather of Antonia Rosa Lujan; that by reason of the advanced age and limited means of Montoya he could not use the tract, and at his request, in 1780, the grant was transferred to his son-in-law, Juan Antonio Lujan, who resided thereon until his death and left the same to his heirs; that the heirs resided thereon until about the year 1811, when, on account of some robberies committed in that vicinity, the governor, Maurique, ordered the heirs to vacate the tract, which order it is claimed was complied with, and no one was in possession of the tract until the year 1814, when Antonia Rosa Lujan, wife of José Antonio Salas, and daughter of Juan Antonia Lujan's and grand-daughter of Andres Montoya, having shown that she was not implicated in the robberies, petitioned Maurique, the governor of this, at that time an ultramarine province of Spain, for permission to re-occupy her property, which permission it is alleged was granted her.

The documents of title presented in the case by the claimants consist of what purports to be a petition to the governor, dated February 28, 1803, of Juan Antonio Salas,

husband of Antonia Rosa Lujan, setting forth that the grant papers, originally to Andres Montoya, and the re-authorization of the grant to Juan Antonio Lu Governor Juan Bautista de Anza, had been lost, and praying that the origi said documents on file in the archives be delivered to him.

The next document in order of date purports to be a certificate of Friar A Caballero to the transfer of the grant or Frijoles tract to Juan Antonio Lujan b ernor Anza, as alleged in claimant's petition.

Neither of these documents is properly authenticated, although the same therein recited are stated in the petition of Antonia Rosa Lujan, upon which t nature of Governor Maurique appears.

These two documents are merely corroboration of the statement in the petit to a previous grant to Andres Montoya and the re-validation or grant to Jua tonio Lujan of the same tract, and although two witnesses testify that all the p presented were in the possession of claimants and their ancestors as far back a can remember, yet the two documents referred to lack the requisite evidence thenticity and originality.

The document filed as Exhibit A consists of what purports to be a petition o tonia Rosa Lujan, dated April 1, 1814, asking that the tract be granted or transf to her; the order of Governor Maurique, written on the petition and dated Ap 1814, wherein he commissions Antonio Ortiz to inquire into the alleged facts forth in the petition of Antonia Rosa Lujan. Then follows the report of Ortiz the final decision and decree of Governor Manrique, wherein he directs that An Rosa Lujan may re-occupy the tract and resettle it as her property.

This document is shown by the testimony of Antonio José Lucero to have bee the possession of Antonia Rosa Lujan during her life-time, and upon comparing alleged signature of Governor Manrique on the documents in this case with the si ture of that official upon other documents on file in the old Spanish archives of office, and in cases previously adjudicated, they are found to agree therewith, an signatures upon these documents are believed to be genuine.

The evidence shows continuous occupation of the tract by Antonia Rosa Lujan to the date of her death, and after that by her heirs, some of whom still re thereon. At that period the governor of this province was empowered to alie the public domain under certain conditions imposed upon the grantee.

The boundaries of the tract are not stated in the muniments of title presented, while they were doubtless given in the original grant to Andres Montoya there no means of determining the same except by parol evidence and the statement in original title papers of the Ramon Vigil grant, reported No. 38, wherein the land Captain Andres Montoya is given as the south boundary of the Ramon Vigil gr made in 1742, and which has been confirmed by Congress.

In the survey of the Ramon Vigil grant, made 1877, the north boundary of the l of Andres Montoya (which constituted the south boundary of the Vigil grant) identified by the deputy who surveyed the Vigil grant, as the south edge of the m on the north side of the Rito de los Frijoles.

The testimony of the three witnesses examined in the case agree that the no boundary is the Cañada Ancha at the Poteras de Pajarita; on the south the Cañon Alamo; on the east the Rio Grande del Norte; on the west the Vallés mounta The testimony as to this last boundary is somewhat conflicting. One of the witnes states it is the mountain, another the side of the mountain, another the summit the mountain, so that in the survey of the tract it will be necessary to take furt testimony as to how far the west boundary extends.

It appears from the evidence that the land within the boundaries named has be claimed by and in the actual peaceable possession of the grantee and her heirs fr a period as far back as the witnesses had any recollection up to the present time.

It was a custom at times to make concessions of ranches by name, either with without specific boundaries, where the grantee is entitled to the land within t boundaries given, and if no boundaries were given, they are entitled according the extent of the possession and settlement. See 5 Wallace, 827.

"When a Mexican grant of land in California designates the land granted by particular name, but does not give any boundaries, the grantee is entitled to t quantity specified within the limits of his *settlement* and *possession*, if that amou can be obtained without infringing upon the rights of the adjoining proprietor (Alviso *vs.* the United States, 8 Wallace, 337. Hornsby *vs.* the United States, Wallace, 224. Shuttle *vs.* Thompson, 15 Wallace, 151.)

So far as known there is no portion of the tract within the boundaries named the witnesses claimed by other parties.

The claim is approved to the heirs and their assigns of Antonia Rosa Lujan.

A transcript in triplicate of all the papers in the case will be transmitted to Co gress for its action in the premises.

HENRY M. ATKINSON,
U. S. Surveyor-General.

U. S. SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, March 14, 1883.

U. S. SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico.

Ths foregoing on 67 pages is a full, true, and correct transcript of the originals from which it was made, which originals are on file in this office, in the matter of private land claim No. 133, in the name of the heirs and legal representatives of Antonia Rosa Lujan, for the "Rito de los Frijoles" tract.

In witness whereof I have hereunto subscribed my name and caused the official seal of this office to be affixed, at the city of Santa Fé, this the sixteenth day of August, A. D. 1889.

[SEAL.]

GEO. W. JULIAN,
U. S. Surveyor-General for New Mexico.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 213.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In answer to a resolution of the 6th instant, a statement showing the names of all officers in the Army, Navy, and Marine Corps on the retired list and who are drawing pensions.

AUGUST 15, 1890.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, August 15, 1890.

SIR: In compliance with the resolution of the Senate of August 6, 1890, I have the honor to inclose herewith a statement showing the names of all officers of the Army, Navy, and Marine Corps who are on the retired list and are now drawing pensions, with dates of allowance, the rate per month, and the law under which granted, together with a copy of the letter from the Commissioner of Pensions transmitting the same.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The PRESIDENT OF THE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, August 12, 1890.

SIR: In compliance with Senate resolution of the 6th instant, herewith returned, I have the honor to forward a list of the officers of the Army, Navy, and Marine Corps who are on the retired list, and are now drawing pensions, with the dates of allowance, rates per month, and law under which granted.

These claims were allowed under the decision of your predecessor under date of September 3, 1888, in the claim of Theodore J. Eckerson, certificate No. 17531, act of January 29, 1887.

The list is made from the reports, principally telegraphic, of the several pension agents.

Very respectfully,

ANDREW DAVIDSON,
Acting Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

List of officers of the Army, Navy, and Marine Corps who are on the retired list a now on the pension rolls.

Certificate No.	Name.	Date of allowance.	Law under which allowed.
17809	Almy, John J	Feb. 8, 1889	Jan. 29, 1887
17721	Augur, Christopher C	Jan. 20, 1889	do
17777	Austine, William	Feb. 2, 1889	do
17771	Badger, Oscar C	Feb. 1, 1889	do
17544	Baily, Elisha I	Jan. 9, 1889	do
17753	Balch, George B	Jan. 31, 1889	do
17572	Ballard, Jonathan M	Jan. 10, 1889	do
17893	Bassett, Wesley W	Mar. 7, 1889	do
17545	Belger, James	Jan. 9, 1889	do
12763	Berry, George	Feb. 7, 1888	do
18505	Best, Clermont L	Oct. 26, 1889	do
17679	Bohrer, Julius S	Jan. 19, 1889	do
17595	Bomford, James M	Jan. 11, 1889	do
19022	Boots, Levi C	June 2, 1890	do
17631	Bowers, Edward C	Jan. 14, 1889	do
17755	Bradford, Joseph C	Jan. 31, 1889	do
17752	Brannon, John M	do	do
17810	Brice, Benjamin W	Feb. 8, 1889	do
17571	Briggs, Thomas B	Jan. 10, 1889	do
17754	Brooks, Horace	Jan. 31, 1889	do
18383	Broome, John L	July 29, 1889	do
17883	Bruce, David	Feb. 27, 1889	do
18562	Campbell, John	Oct. 21, 1889	do
18696	Case, Augustus L	Jan. 13, 1890	do
17659	Carter, Samuel P	Jan. 16, 1889	do
17757	Cassell, Alexander W	Jan. 31, 1889	do
18765	Clary, Albert G	Feb. 1, 1890	do
17585	Clitz, John M. B	Feb. 15, 1889	do
17818	Colhoun, Edmund R	Feb. 9, 1889	do
17573	Collins, Edward	Jan. 10, 1889	do
17597	Collins, Joseph B	Jan. 11, 1889	do
17596	Cooke, Philip St. George	do	do
17837	Crittenden, Thomas L	Feb. 14, 1889	do
17640	Crosby, Pierce	Jan. 15, 1889	do
17547	Cryderman, Joseph	Jan. 9, 1889	do
17641	Cutter, George F	Jan. 15, 1889	do
10402	Daggenfield, Adolph	Nov. 18, 1887	do
17741	Dallas, Francis G	Jan. 29, 1889	do
17600	Day, Hannibal	Jan. 11, 1889	do
17747	Dent, Frederick T	Jan. 30, 1889	do
17807	De Russy, Gustavius	Feb. 7, 1889	do
17536	Devine, John	Jan. 8, 1889	do
17710	Doubleday, Abner	Jan. 25, 1889	do
17574	Doughty, Isaac T	Jan. 10, 1889	do
17548	Drum, Richard C	Jan. 9, 1889	do
17657	Duval, Marius	Jan. 16, 1888	do
17550	English, Earl	Jan. 9, 1889	do
17602	Eaton, Joseph H	Jan. 11, 1889	do
18044	Fairfax, Donald McM	Apr. 12, 1889	do
17802	Febiger, John C	Feb. 7, 1889	do
17804	Field, Thomas Y. (active)	do	do
18920	Fletcher, William	April 4, 1890	do
17658	Franklin, Samuel R	Jan. 16, 1889	do
17968	Fry, James B	Mar. 20, 1889	do
17537	Garland, John S	Jan. 8, 1889	do
17820	Garvin, Benjamin F	Feb. 9, 1889	do
17578	Getty, George W	Jan. 10, 1889	do
18269	Gibson, Horatio G. (active)	June 20, 1889	do
18184	Gilbert, Charles C	May 24, 1889	do
17712	Gliason, Oliver S	Jan. 25, 1889	do
17713	Graham, Lawrence P	do	do
17603	Granger, Robert S	Jan. 11, 1889	do
17552	Graves, John	Jan. 9, 1889	do
17660	Green, Joseph F	Jan. 16, 1889	do
17579	Gregg, John I	Jan. 10, 1889	do
17618	Grier, William	Jan. 12, 1889	do
17577	Griffith, David A	Jan. 10, 1889	do
17643	Hagner, Peter V	Jan. 15, 1889	do
17581	Haller, Granville O	Jan. 10, 1889	do
17839	Hambright, Henry A	Feb. 14, 1889	do
17604	Hamilton, John	Jan. 11, 1889	do
18603	Hanley, Patrick	Dec. 10, 1889	do
17645	Harlan, David	Jan. 15, 1889	do
17661	Harris, J. George	Jan. 16, 1889	do
17580	Hatch, John P	Jan. 10, 1889	do
17662	Hatton, Milton	Jan. 16, 1889	do
17633	Hayman, Samuel B	Jan. 14, 1889	do
17553	Head, John F	Jan. 9, 1889	do

List of officers of the Army, Navy, and Marine Corps who are on the retired list and are now on the pension rolls—Continued.

Certificate No.	Name.	Date of allowance.	Law under which allowed.	Rate per month.
17620	Hendershott, Henry B	Jan. 12, 1889	Jan. 29, 1887	$3.00
17044	Hieskell, Horace M	Jan. 15, 1889	....do	8.00
17706	Horwitz, Phineas J	Jan. 24, 1889	....do	8.00
17568	Howe, Albion P	Jan. 9, 1889	....do	8.00
17855	Hull, Joseph B. (dead)	Feb. 18, 1889	....do	8.00
17746	Hunt, Henry J. (dead). t	Jan. 30, 1889	....do	8 00
18612	Hutchinson, James	Dec. 13, 1889	....do	8.00
17882	Ingalls, Rufus	Feb. 27, 1889	....do	8.00
17646	Isherwood, Benjamin F	Jan. 15, 1889	... do	8.00
17763	Hopkins, William E	Jan. 31, 1889	....do	8.00
17663	Jackson, Samuel	Jan. 16, 1889	....do	8.00
17564	Jamieson, Alexander	Jan. 9, 1889	....do	8.00
17647	Jenkins, Thornton A	Jan. 15, 1889	....do	8.00
19100	Jouett, James S	July 3, 9890	....do	8.00
18950	Judd, Henry B	Apr. 27, 1890	....do	8.00
18116	Kendricks, Henry L	May 10, 1889	....do	8.00
17648	King, James W	Jan. 15, 1889	...do	8.00
17934	King, William S	Mar. 14, 1889	....do	8.00
17555	Kintzing, Mathew R	Jan. 9, 1889	....do	8.00
17621	Kilburn, Charles L	Jan. 12, 1889	....do	8.00
17583	Lane, William B	Jan. 10, 1889	....do	8.00
18526	Larned, Frank H	Nov. 5, 1889	.. do	8.00
17649	Law, Richard L	Jan. 15, 1889	....do	8.00
18739	Lee, Samuel P	Jan. 24, 1890	... do	8.00
17971	Lockwood, Samuel	Mar. 21, 1889	....do	8.00
17558	Long, James	Jan. 9, 1889	....do	8.00
18043	Luce, Stephen B	Apr. 12, 1889	....do	8.00
17831	Maccoun, Robert T. (dead)	Feb. 12, 1889	....do	8.00
17561	Maddox, William A. T	Jan. 9, 1889	....do	8.00
18521	Mason, Henry	Nov. 1, 1889	....do	8.00
17560	Mason, John S	Jan. 9, 1889	....do	8.00
17742	Maxwell, Charles D	Jan. 29, 1889	....do	8.00
17843	McCawley, Charles G. (active)	Feb. 14, 1889	....do	8.00
17562	McDonald, Alexander	Jan. 9, 1889	....do	8.00
17765	McDonnell, James	Jan. 31, 1889	....do	8.00
18295	McKibben, David B	June 25, 1889	....do	8.00
17736	Messersmith, John S	Jan. 28, 1889	....do	8.00
17585	Montgomery, Alexander	Jan. 10, 1889	....do	8.00
17964	Morris, Robert M	Mar. 19, 1889	....do	8.00
17766	Murray, Robert	Jan. 3, 1889	....do	8.00
17768	Newell, Chester	Jan. 31, 1889	....do	8.00
17570	Oakes, James	Jan. 10, 1889	....do	8.00
17684	Palmer, Innis N	Jan. 2, 1889	....do	8.00
17718	Pattison, Thomas	Jan. 25, 1889	....do	8.00
17743	Perin, Glover	Jan. 29, 1889	....do	8.00
17609	Phelps, Thomas S	Jan. 11, 1889	....do	8.00
18087	Pitcher, Thomas G	Apr. 25, 1889	....do	8.00
18613	Plunkett. John	Dec. 13, 1889	....do	8.00
17865	Pollock, Robert	Feb. 19, 1889	....do	8.00
18067	Pope, John	Apr. 20, 1889	....do	8.00
17870	Porter, David D. (active)	Feb. 20, 1889	....do	8.00
17.63	Porter, Fitz-John	Jan. 9, 1889	....do	8.00
18297	Prince, Henry	June 28, 1889	...do	8.00
17940	Prince, William S	Mar. 15, 1889	....do	8.00
17888	Queen, Walter W	Feb. 28, 1889	.. do	8.00
17720	Reeve, Isaac V. D	Jan. 25, 1889	....do	8.00
17873	Reynolds, Joseph J	Feb. 21, 1889	....do	8.00
17564	Rhind, Alexander C	Jan. 9, 1889	....do	8.00
17586	Ritter, John C	Jan. 10, 1889	.. do	8.00
17610	Robinson. John C	Jan. 11, 1889	....do	8.00
17652	Rodgers, Christopher R. P	Jan. 15, 1889	....do	8.00
17708	Roe, Francis A	Jan. 24, 1889	....do	8.00
17910	Rouckendorff, William	Mar. 12, 1889	....do	8.00
17540	Royall, William B	Jan. 8, 1889	....do	8.00
17686	Rucker, Daniel H	Jan. 2, 1889	....do	8.00
17700	Ruland, Henry	Jan. 23, 1889	....do	8.00
17798	Russell, Alexander W	Feb. 6, 1889	....do	8.00
18338	Russell, John H	July 18, 1889	.. do	8.00
17590	Sartori, Louis C	Jan. 10, 1889	.. do	8.00
18948	Saul, Peter	Apr. 16, 1890	....do	8.00
17534	Schwartz, Jacob	Jan. 7, 1889	....do	8.00
17911	Selpidge, Thomas O	Mar. 12, 1889	....do	8.00
17541	Sewell, George	Jan. 8, 1889	....do	8.00
17989	Seymour, Truman	Mar. 27, 1889	....do	8.00
17613	Shepherd, Oliver L	Jan. 11, 1889	....do	8.00
18762	Shipley, Samuel J	Sept. 7, 1887	....do	8.00
17653	Shock, William H	Jan. 15, 1889	....do	8.00

List of officers of the Army, Navy, and Marine Corps who are on the retired list a now on the pension rolls—Continued.

Certificate No.	Name.	Date of allowance.	Law under which allowed.
17626	Simpson, Edward	Jan. 12, 1889	Jan. 29, 1887
17624	Simpson, Marcus D. L	do	do
6681	Sirian, George	June 27, 1887	do
17606	Slack, William B	Jan. 16, 1889	do
17553	Slavin, Christopher	Jan. 7, 1889	do
18003	Smith, John (dead)	Apr. 2, 1889	do
17832	Sprague, Charles J	Feb. 11, 1889	do
17688	Starr, Samuel H	Jan. 21, 1889	do
17627	Steedman, Charles	Jan. 12, 1889	do
17614	Stevens, George A	Jan. 11, 1889	do
17834	Stewart, Henry H	Feb. 13, 1889	do
17565	Stewart, Joseph	Jan. 7, 1889	do
17581	Summers, John E	Jan. 10, 1889	do
17589	Sweeny, Thomas W	do	do
17889	Taylor, Alfred	Mar. 1, 1889	do
17542	Taylor, Morse K	Jan. 8, 1889	do
17890	Taylor, William R	Mar. 1, 1889	do
17847	Temple, William G	Feb. 14, 1889	do
17591	Thom, George	Jan. 10, 1889	do
17824	Thomas, Charles	Feb. 9, 1889	do
17543	Thomas, Joseph G	Jan. 8, 1889	do
18045	Thompson, Augustus F	Apr. 13, 1889	do
18078	Tower, Zealous B	Apr. 23, 1889	do
17566	Tracy, Albert	Jan. 9, 1889	do
17592	Upshur, John H	Jan. 10, 1889	do
17567	Van Vliet, Stewart	Jan. 9, 1889	do
18737	Walden, George	Jan. 23, 1890	do
17745	Walke, Henry	Jan. 29, 1889	do
17654	Watmough, James H	Jan. 15, 1889	do
18522	Welch, James	Nov. 1, 1889	do
17825	Westcott, Bayse N	Feb. 9, 1889	do
17569	Whiting, Daniel P	Jan. 9, 1889	do
17118	Wiley, James	May 10, 1889	do
17877	Wilkins, John D	Feb. 25, 1889	do
17594	Willcox, Orlando B	Jan. 10, 1889	do
17535	Wood, Richard	Jan. 7, 1889	do
18032	Wood, Thomas J	Apr. 9, 1889	do
17668	Worden, John L	Jan. 16, 1889	do
17726	Wyse, Francis O	Jan. 26, 1889	do

In addition to the above the following names appear on our records as pensi

17531	Eckerson, Theodore J	Jan. 7, 1889	Jan. 29, 1887
25713	Moore, Michael	Aug. 20, 1889	Mar. 9, 1878

C

51st Congress, 1st Session. } SENATE. { Ex. Doc. No. 214.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In answer to a resolution of July 26, 1890, correspondence touching the efforts made to secure a modification of the decree of the French Government prohibiting the importation into France of American pork and kindred American products.

AUGUST 15, 1890.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate:

In compliance with the resolution of the Senate of the 26th of July, 1890, calling for all correspondence not already submitted to Congress and now on file in the Department of State touching the efforts made by this Government to secure the modification or repeal by the French Government of its decree of 1881 prohibiting the importation into France of American pork and kindred American products, I transmit herewith a report from the Acting Secretary on the subject, with the accompanying correspondence.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, August 15, 1890.

To the PRESIDENT:

The Acting Secretary of State, to whom was referred the resolution of the Senate of the 26th ultimo, calling for "all correspondence not already submitted to Congress and now on file in the Department of State touching the efforts made by this Government to secure the modification or repeal by the French Government of its decree of 1881 prohibiting the importation into France of American pork and kindred American products," has the honor to lay before the President the accompanying papers relating to the subject.

This correspondence discloses the important fact that the French Government now practically places its exclusion of our pork products upon economic instead of sanitary grounds. As this policy of exclusion, as a measure for the protection of the domestic products of France, is applied only to the United States, the Department has not failed to protest against the discrimination as unjust.

Respectfully submitted.

WILLIAM F. WHARTON,
Acting Secretary.

DEPARTMENT OF STATE,
Washington, August 15, 1890.

LIST OF ACCOMPANYING PAPERS.

1. Mr. Blaine to Mr. Reid, No. 16, June 11, 1889.
Inclosure. Letter from secretary board of trade, Chicago, June 4, 1889.
2. Mr. Reid to Mr. Blaine, No. 21, June 28, 1889.
3. Mr. Blaine to Mr. Reid, No. 23, July 1, 1889.
4. Mr. Wharton to Mr. Reid, No. 33, July 10, 1889.
5. Mr. Reid to Mr. Blaine, No. 79, October 19, 1889.
Inclosure. Note verbale from Mr. Reid to Mr. Spuller, October 16, 1889.
6. Mr. Franklin to Mr. Blaine, No. 72, October 16, 1889.
7. Mr. Reid to Mr. Blaine, No. 99, November 26, 1889.
8. Mr. Blaine to Mr. Reid, No. 114, March 4, 1889.
Inclosure. Secretary of Agriculture to Secretary of State, February 8, 1
9. Mr. Reid to Mr. Blaine, No. 198, July 4, 1889.
Inclosure. Mr. Reid to Mr. Ribot, July 3, 1889.
10. Mr. Reid to Mr. Blaine, No. 201, July 11, 1889.
11. Mr. Reid to Mr. Blaine, No. 210, July 28, 1889.
Inclosure 1. Mr. Ribot to Mr. Reid, July 11, 1890.
2. Mr. Reid to Mr. Ribot, July 28, 1890.

No. 1.

Mr. Blaine to Mr. Reid.

No. 16.] DEPARTMENT OF STATE,
Washington, June 11, 18

SIR: I inclose herewith for your information a copy of resolu recently adopted by the board of directors of the board of trade o city of Chicago relative to the prohibition by Germany and Fran the importation of American hog products.

It is difficult to add to the earnestness with which, during r years, this Government has remonstrated against this unjust and ous prohibition of trade in one of the greatest staple products o country and one which the continuous experience of long and ca observation has demonstrated to be second in healthfulness to no product of domestic consumption, and it is with deep regret and that this Government has seen the failure of the hopes it has bui the good disposition of France in this regard and upon the effor the French cabinets from time to time to effect a friendly and equi solution of the difficulty which the legislative features of the que in the chambers have thrown in the way of its adjustment.

The present memorial, coming as it does from the great pork pro ing and packing center of the United States, and representing impor and widely diffused interests, as well agricultural as commerci worthy of careful consideration. Insistance upon what is firmly beli to be an unnecessary and unjust discrimination against our country not but injuriously affect opinion here among the vast mass of produ and others whose interests are materially damaged. In no count the world is the official machinery for the inspection of live-stock for the stamping out the first symptoms of disease more elaborate and cient, and nowhere are more varied and effective interests concerne securing the absolute healthfulness of the food products which for large a part of the subsistence of our countrymen. Careful observa continued over many years, has failed to disclose an authentic ca disease from eating American cured and packed pork products in eign countries where their use is freely permitted; and it would result much to be deprecated if the widespread injury inflicted upon

farmers and merchants of a large area of our country should tend to weaken the strong and cordial sentiments of our population towards France and her people and beget resentment against what can not fail, if longer persisted in, to be regarded as a blind and unreasoning discrimination.

The correspondence on file in your legation will apprise you of the magnitude of this question, and you will lose no opportunity to impress the Government of France with the earnest desire and confident expectation of this Government that considerations of friendliness and justice may prevail in the treatment of this question by the statesmen and legislators of France.

At the same time it is proper to caution you against proffering suggestions of retaliation on our part. Acts founded upon resentment work grievous injury to international relations, and while the interests affected in this country are doubtless exerting a potent influence among the representives of the people, it may not be expedient to openly advert to the probability of Congressional action.

You are instructed to avail yourself of an early opportunity to recall the attention of the French foreign office to this subject, and to discreetly but earnestly press our remonstrances upon the Government of France against the unjust discrimination complained of.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 16.]

Mr. Stone to Mr. Blaine.

BOARD OF TRADE OF THE CITY OF CHICAGO,
SECRETARY'S OFFICE,
Chicago, June 4, 1889. (Received June 7.)

SIR: I have the honor to inclose herewith a copy of preamble and resolutions adopted by the board of directors of this board, with reference to the prohibition, by Germany and France, of the importation of American hog meats.

Very respectfully, yours,

GEO. F. STONE.

[Inclosure 2 in No. 16.]

Resolutions adopted by the board of trade of the city of Chicago.

CHICAGO, *May* 28, 1889.

The following preamble and resolutions were adopted by the board of directors of the board of trade of the city of Chicago at a meeting held this day.

Respectfully,

G. F. STONE,
Secretary.

Whereas the hog crop of this country is a source of great national revenue; and

Whereas France and Germany prohibit the importation of American salted pork; and,

Whereas such prohibition is based upon the unfounded allegation that American hog meats are unhealthful, which insults and circumscribes a great and beneficent industry; and,

Whereas the hog product of England is not thus interdicted, and thereby a particular and offensive discrimination is made against the American hog product, to the great injury of our commerce; and,

Whereas under this legislation our exportation of hog product has diminished in value from $104,000,000 in 1881 to $59,000,000 in 1888; and,

Whereas the American hog product is generally used in America by citizens of all nationalities, and in all foreign countries except France and Germany, without detri-

ment to the health of the consumers, and therefore the existing decrees of pr
can not truthfully rest on the basis of unhealthfulness of the product;

Resolved, That the board of trade of the city of Chicago hereby respectful
sents to the United States Government the necessity of immediate and decid
ures to the end that the disabilities herein recited may be removed and the
in American hog meats no longer suffer under the stigma of false and injuri
sations, but be restored to its rightful place in the commerce of the world.

Resolved, That a copy of the above be sent to the honorable the Secretary
and to the principal commercial organizations of the country.

No. 2.

Mr. Reid to Mr. Blaine.

[Extract.]

No. 21.] LEGATION OF THE UNITED STATES,
Paris, June 28, 1889. (Received July

SIR: With reference to your dispatch No. 16, of June 11, tra
ting a copy of resolutions adopted by the board of trade of Chic
to the prohibition by Germany and France of the importation of A
can hog products, and instructing me to seize an early opport
for recalling the attention of the French Government to the subj
beg leave to suggest that any steps taken in this direction at thi
ment would seem inopportune.

As has been seen in the correspondence of my predecessor, it
longer contended that the importation of American pork is prohi
in France on sanitary grounds. The French Government is not opp
to the removal of the prohibition. On the contrary it rather fav
and has tried to secure it not only to comply with our wishes, bu
with a view of favoring the laboring classes for whom American
products would furnish a cheap food. But it could not be expect
press a measure of this kind at a moment when its own existence
volved in the result of the pending legislative election. The exhib
the trial of General Boulanger, and the preparation for the new
tions engage all its attention.

For these reasons I respectfully suggest that any action havi
view the removal of the prohibition of American pork be delayed
after the new chamber is elected in the autumn.

I have, etc.,

WHITELAW RE

No. 3.

Mr. Blaine to Mr. Reid.

No. 23.] DEPARTMENT OF STATE,
Washington, July 1, 18

SIR: In connection with my instruction No. 16, of the 11th ul
relative to the prohibition by France of the importation of Ame
hog products, I inclose herewith a copy of a letter, dated June 20,
the president of the merchants' exchange of St. Louis, on the same
ject.

I am, etc.,

JAMES G. BLAI

WHITELAW REID, Esq.

[Inclosure in No. 23.]

Mr. Cox to Mr. Blaine.

ST. LOUIS, *June* 20, 1889.

DEAR SIR: The action of Germany and France prohibiting the importation of American hog products seriously affects a large and important industry.

The fact that in all other foreign countries, as well as in our own land, American salted meats are extensively used for human food, without detriment to the health of the people demonstrates the unreasonableness of the action of the countries named.

The undersigned, in behalf of the board of directors, respectfully calls the attention of the honorable Secretary of State to the matter, in the hope that the Government may adopt such measures as will remove the disability complained of, and reopen to our American packers the markets of Germany and France.

Very respectfully,

CHARLES A. COX,
President.

JAMES G. BLAINE,
Secretary of State.

No. 4.

Mr. Wharton to Mr. Reid.

No. 33.] DEPARTMENT OF STATE,
Washington, July 10, 1889.

SIR: Your dispatch No. 21, of the 28th ultimo, suggesting that action relative to the pork question be postponed until after the general elections this autumn, has been received. Your suggestion is approved.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

WHITELAW REID, Esq.

No. 5.

Mr. Reid to Mr. Blaine.

No. 79.] LEGATION OF THE UNITED STATES,
Paris, October 19, 1889. (Received November 5.)

SIR: General Franklin having made known to me your desire that, with a view of removing the unfounded allegations upon which American hog products are prohibited in France, the French Government be invited to inspect the meats of that class now shown in the Universal Exhibition, it was agreed that we should call together on Mr. Spuller. We did so on the 15th instant, and I explained the object of our visit substantially as stated in the verbal note herewith, which was written at the request of the minister and sent to him the next day.

Mr. Spuller received our request favorably. He said it was a proper one to make and that he would confer about it with the minister of commerce, who had charge of matters of this kind. As far as he was concerned, he had no objection to re-opening the question of admitting salted meat in France, and he would like to settle it to our satisfaction. There were, however, difficulties in the way. Originally the meat was excluded purely on sanitary grounds; but since, the idea of protection to French producers of salt pork may have had its weight in maintain-

ing the prohibition. He personally did not sympathize with the tectionist views, being a free-trader, and he would favor any me tending to unrestricted commercial intercourse. But he was sor say the tendency of the new chamber seemed to be strongly in th posite direction. I reminded him that there was a difference bet protection and prohibition. I spoke also of the invidious discri tion in admitting the same class of products from other countries prohibiting ours, and of the impolicy of prohibiting cheap food. parted after the renewed assurances of his good will.

His record on this question being in favor of the free admissi American pork products, I have no doubt he will again favor the m ure. I do not expect, however, that he will meet the question a rectly as it is put in the verbal note herewith.

I have, etc.,

WHITELAW RE

[Inclosure in No. 79.]

Copy of a note verbale from Mr. Reid to Mr. Spuller.

LEGATION OF THE UNITED STATES,
Paris, October 16, 18

Mr. Reid presents his compliments to Mr. Spuller, and in compliance with hi quest states here the object of the call made on him yesterday with General Fran

The United States Government, regretting that American pork products are prohibited in France, while similar products from other countries are admitted instructed its minister at Paris, and its commissioner-general at the Universal position, to co-operate in efforts for the removal of this unjust discrimination.

The only ground heretofore assigned for it was the alleged unhealthfulness of meat. The United States Government respectfully asks if that charge is still m tained by the French Republic? If so, the United States commissioner-gener instructed to ask, through the United States minister, for an official inspection o American pork products which have been admitted to the exposition, and have distinguished by its highest prize. This exhibit is large and embraces every va of pork. The American producers are so confident that this can only result in e lishing the perfect healthfulness of the meat that they invite the most careful scrutinizing investigation.

If, on the contrary, the exclusion of American pork is not maintained for san reasons the United States minister respectfully submits that his Government, friendly one, is entitled to know why an important American product is alone sin out among all similar products from other nations to be made the subject of such equal treatment.

No. 6.

Mr. Franklin to Mr. Blaine.

No. 72.] [Office of the United States Commission of the Paris Exposition of 188 Avenue de la Bourdonnais.]

PARIS, *October* 16, 1889. (Received November 4

SIR: On Tuesday, the 15th instant, I accompanied Mr. White Reid, the United States minister to the ministry of foreign affairs, wh we had an interview with Mr. Spuller, the minister of foreign affairs, the subject of your dispatches Nos. 55 and 60, August 5 and Septe ber 5, 1889, referring to the prohibition of the import of pork produ of the United States into France.

Mr. Reid stated to Mr. Spuller the object of our call, and asked h whether the prohibition in question was on account of the belief th

the consumption of our pork by the citizens of France would injure the health of the consumers on account of its impurities. Mr. Spuller answered that he might safely say that he thought that no such belief existed. He further stated that there would be difficulty in having the prohibition removed on account of the protectionist feeling, and upon Mr. Reid's suggesting that the new chamber of deputies might be more liberally disposed than the last, he answered that he thought it would be more protectionist than the last.

Mr. Reid made the point that the fact that our meat exhibit had received a grand prize at this exposition was evidence that our pork products were considered wholesome by the examining juries. Mr. Spuller assented that the point was well taken.

Finally I informed Mr. Spuller that if any doubt still remained in the minds of any persons interested as to the purity and healthiness of our pork products, they were all open to inspection by any experts who might be designated to test them. To this he answered that he would place the matter before the minister of agriculture for such action as he would think proper to take.

In answer to Mr. Reid, who stated that the small number of pork raisers in France should not require the whole nation to pay a larger price for so important an article of food as pork, merely for their benefit, Mr. Spuller answered, that if Mr. Reid would address him a note he was quite willing to re-open the question of the prohibition of the entry of United States pork products into France.

Mr. Spuller was cordial during the interview, and took occasion to say that he is not a protectionist.

Respectfully, yours,

W. B. FRANKLIN,
Commissioner-General.

Hon. JAMES G. BLAINE,
Secretary of State.

No. 7.

Mr. Reid to Mr. Blaine.

No 99.] LEGATION OF THE UNITED STATES,
Paris, November 26, 1889. (Received December 10.)

SIR: My dispatch No. 79, of October 19, advised the Department that General Franklin and myself had called on Mr. Spuller and stated that if the French Government still entertained any doubts as to the healthfulness of American pork, we were instructed to invite an official inspection of the products of that class then at the Exhibition, which were, for this purpose, placed entirely at the disposal of the French authorities.

Mr. Spuller having agreed to confer on the subject with his colleagues, an answer was expected before the close of the Exhibition. After waiting ten days beyond that date, I wrote again to the minister on November 16, explaining that the exhibitors of American pork were only awaiting his decision to pack and remove their goods, that with a view of lending his assistance to the French inspectors, Mr. Bickford, superintendent of the agricultural section, had postponed his depart-

ure to the 27th, and that if an inspection was to be made it ong take place before that date.

On the same day the French officials at the Exhibition gave n that the demolition of the agricultural gallery (where the Amer pork was placed) must begin on the 25th. Informed at once of fact by Mr. Gunnell, engineer of the United States commission, I a under date of the 18th, addressed Mr. Spuller calling his attenti this additional reason for early action on the offer I had made unde structions from my Government, over a month ago.

On the 21st Mr. Spuller replied, stating that in the opinion of his league, who had charge of the health department, an inspection o meat shown in the Exhibition would not have the importance my ter seemed to give it, as the superior quality of this meat, establi already by the awards it received, would not prove that the ma American hog products is equally good. With the wish, howeve comply as far as possible with your intentions, a French profess inspector would place himself at the command of Mr. Bickford t ceive any information and explanations on the subject.

The substance of this reply was communicated to Mr. Gunnell Mr. Charrin, the French inspector, and Mr. Bickford are now in munication.

I inclose herewith copies of the correspondence referred to.

I have the honor to be, very respectfully, your obedient ser

WHITELAW RE

Hon. JAMES G. BLAINE,
Secretary of State.

No. 8.

Mr. Blaine to Mr. Reid.

No. 114.] DEPARTMENT OF STATE,
Washington March 4, 18

SIR: I inclose for your information, in connection with previou respondence upon the subject, a copy of a letter from the Secreta Agriculture of February 18, 1890, respecting the harsh and unre able restrictions imposed by the governments of France, Germany Great Britain against the importation of American live animals hog products.

Without inviting attention to any particular statements of Rusk's letter, I have only to state that you may find fitting opportu to call them up before the minister for foreign affairs, and in so fa France is concerned express the hope that his Government may be prepared to extend equitable relief from its unjust measures, ei through their revocation or modification.

Adding that your colleagues at London and Berlin have been nished with a copy of the inclosed letter, and awaiting whatever formation upon the subject you may obtain,

I am, etc,

JAMES G. BLAIN

WHITELAW REID, Esq.

[Inclosure in No. 114.]

Mr. Rusk to Mr. Blaine.

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 18, 1890.

SIR: I have the honor to invite your attention to certain regulations and prohibitory restrictions which are enforced by a number of European governments to the great detriment, and in some cases to the destruction, of the trade in live animals and meat products from the United States, and to request that you take such action as may be possible, looking to a removal of such restrictions or their modification in favor of American producers.

In 1879 the British Government made regulations that all cattle, sheep, and swine from this country should be slaughtered at the wharves within ten days from time of landing. The effect of this order is to entirely exclude store cattle and sheep shipped for fattening purposes; and it considerably reduces the amount which can be realized for fat animals, because these can not be held until they have recovered from the effects of the voyage, and also, because the buyers know that they must be disposed of within a limited time.

The order in regard to cattle was issued on account of the existence of the contagious pleuro-pneumonia of cattle in this country, but since its issuance this disease has been almost entirely eradicated. It no longer exists in any section from which export steers are obtained, and it is confined to two counties on Long Island and one in New Jersey, all of which are in strict quarantine. The stock-yards, which might have been contaminated, have been thoroughly disinfected and there is no longer danger of exporting the contagion of this disease.

During the year 1889 a number of cases of pleuro-pneumonia were reported by the English inspectors among cattle landed from the United States, but this Department regards such reports as based upon errors of diagnosis, for the reasons given above. This conclusion is considered the more evident because the returns which have been received show that in the greater number of cases but a single animal was found affected in any one cargo, which would be unlikely with a contagious disease. It is also admitted by most veterinarians that there are seldom any typical characters found in contagious pleuro-pneumonia which enable the inspectors to distinguish it from the sporadic or non-contagious inflammation involving the same organs.

In all such cases the diagnosis must be based upon a history of contagion or upon the discovery of a number of animals in the same lot which are similarly affected, a fact which indicates contagion. In the cases reported by the English inspectors during 1889 there has neither been a history of contagion nor a sufficient proportion found affected to indicate a contagious disease. It would, therefore, seem highly probable that the disease observed in these steers was the result of injuries or exposure incident to the voyage.

As a preliminary measure for securing information in regard to the character of the disease found in the American cattle slaughtered in England, I would suggest that the Department of State make arrangements with the English Government by which one or more of the veterinary inspectors of this Department can be stationed at the English "foreign animals wharves." These inspectors would observe any affected animals which might be discovered, and by promptly notifying this Department it would be possible to trace the history of such animals and determine definitely if they had ever been exposed to a contagious disease.

The thorough control which is now maintained over the small areas affected with pleuro-pneumonia in this country and the near approach of the time when this disease will be entirely eradicated make it desirable that negotiations should be begun, looking to the withdrawal of the British restrictions. The time is opportune for this, since the Scotch and English farmers are agitating to secure the same result so that they can obtain cattle for feeding from the United States. Their present supply comes mostly from Ireland where prices are much higher than here, and where the danger from pleuro-pneumonia is incomparably greater.

The restrictions on the importation of sheep into Great Britain were based upon the alleged importation of foot and mouth disease from this country. As this disease has never existed in the United States, except in two or three instances when cattle landed from England were found affected by it, and it has never been allowed to spread here, it is evident that the sheep in question must have contracted the disease on vessels that had previously been infected by English cattle. The restrictions are, consequently, a great injustice and should have been removed long ago. Their effect upon the trade is seen by reference to the statistics of the English agricultural department, which show that in 1879 the number of sheep imported from the United States was 119,350; and that it rapidly decreased until in 1888 it was but 1,203, though in 1889 it increased according to statistics of the United States Treasury Department to 18,877.

The German regulations in regard to American cattle, as communicated in favor of December 3, 1889, prevent the development of a profitable trade with country. The single shipment made there last year yielded good returns, bu statement that was immediately telegraphed here to the effect that further im of American cattle had been prohibited, at once arrested all efforts in that direc While any quarantine of our cattle is an unjust requirement, a four weeks' delay would seem to be entirely unnecessary with cattle designed for immediate slaug Probably if this matter were brought to the attention of the German Govern more favorable regulations could be obtained. At all events the State Depart could be of service to the cattle industry of this country by obtaining exact info tion as to the regulations which would be enforced against cattle landed for slaug There appears to be at present considerable uncertainty as to whether such ani are entirely prohibited, or whether they may be landed and go to any part o Empire after four weeks of quarantine, or whether such quarantine must necess be enforced with animals that might be at once slaughtered at the port of landi

There have also been press telegrams from Germany which stated that Ame dressed beef and canned meats either had been or were about to be exclude would suggest that you obtain reliable information in regard to this matter, and such steps as you may consider proper to protect the interest of our exporters.

The prohibition of American pork by both Germany and France is still conti notwithstanding the demonstrated healthfulness of this article of food. This lation was made with a view of preventing trichinosis among consumers, but i been shown that no case of this disease was ever produced in either country by A ican meats; indeed, the curing process through which all exported meats must is a sufficient safeguard against this disease. The surplus of meat-producing ani in the United States at present is such that prices are below the cost of produc and consequently it is extremely important that we should increase our expor live animals and meat products if this can possibly be accomplished.

Any further information on this subject in the possession of this Department w you may desire will be promptly supplied.

Very respectfully,

J. M. RUSK,
Secreta

The SECRETARY OF STATE.

No. 9.

Mr. Reid to Mr. Blaine.

[Extract.]

No. 198.] LEGATION OF THE UNITED STATES,
Paris, July 4, 1890. (Received July 16

SIR: Referring to your instructions to press efforts for the remo of the French prohibition of American pork, and to the memorials fr various chambers of commerce which you have forwarded, as well a my previous advices of conversations and correspondence with the eign minister on the subject, I have the honor to report that the p ent condition of the new tariff bill in Congress and the French ag tion about it seemed to me to make the occasion timely for fresh re sentations to Mr. Ribot as earnest and plain spoken as the propriet of diplomatic intercourse would permit.

Since my return I have taken every suitable occasion to urge the s ject upon the attention of the minister for foreign affairs, and with assent upon various senators and deputies. Yesterday I sent Mr. Ri the letter, a copy of which is herewith inclosed. He has already t me that he should communicate its substance at once to Mr. Jules Roc the minister of commerce, and to Mr. Meline, former president of chamber, and now president of the commission on the budget.

I do not believe that French statesmen now think there is any r reason for continuing the prohibition of American pork, unless it be

danger of arousing prejudice and alarm among French farmers, and this I have tried to prove groundless. But they will be sure to want to trade. "If we withdraw this decree for you what will you do for us?" is likely to be the form in which, more or less directly, the case will be presented. The present condition of the clause in the House tariff bill putting works of art on the free list suggests to us one reply. The appeal of Bordeaux fruit-growers against advances in duties on certain of their products which do not seem in any serious way to come into competition with us may offer another, and the complaints of the minister of commerce about our more stringent requirements for the legalization of invoices at the Paris consulate, particularly as to the exaction of original bills, may be thought to afford a third. In any case I venture to think it important that the point should be considered before final action on these subjects.

I have the honor, etc.,

WHITELAW REID.

Hon. JAMES G. BLAINE,
Secretary of State.

[Inclosure.]

Mr. Reid to Mr. Ribot.

LEGATION OF THE UNITED STATES,
Paris, July 3, 1890.

SIR: Referring to previous correspondence concerning the French prohibition of American pork, and to recent conversations on the subject, I venture to remind your excellency that my Government is attentively waiting for the fulfillment of the hopes aroused by your unofficial conversation with and messages to Mr. Vignaud.

You will recall that while advising you of my earnest efforts to procure the desired removal of needless or unjust restrictions upon your trade, I pointed out once more that the greatest obstacle arose from what our people consider the persistent injustice of France in continuing the prohibition of a great staple American product on the indefensible ground that it is unwholesome. Your excellency was good enough then to intimate that under certain conditions the Government might be willing to propose the repeal of this prohibition.

Such a step now would be most timely and could not fail to have a beneficial effect. While the belief was current that this course would be speedily taken, the House of Representatives voted to remove the existing duty of 30 per cent. on pictures and statues. Seeing now that it is not taken, and beginning to believe that it will not be, the Senate committee has already amended the tariff bill by reimposing this duty, and there is danger that the Senate will approve their action. It is only candid to explain that the majority of the Senators and Representatives, including especially those from the great corn-growing and pork-producing States, regard the attitude of France as without warrant in fact and unfriendly. This old and growing feeling arises, unlike your recent complaints about our tariff bills, from no mere objection to the size of the duty you choose to impose (although within recent years you have greatly increased it), or to minor details in your custom-house method. It springs from a grievance more serious and deep-seated; your persistent discrimination in favor of the products of Germany, Italy, England, and other countries against those of your historic friend which you absolutely prohibit on the charge of their bad quality.

We ask the repeal of this prohibition as an act of naked justice, too long deferred. It has been excused only by alleging the unhealthfulness of American pork. Now, this product is perfectly known not to be unhealthful, and we no longer hear of any serious belief in any quarter that it is. Your Academy of Medicine long since decided in its favor. Your own exposition gave it the highest award last year, in competition with all the world. After that award, through a letter which I had the honor to address to your predecessor, Mr. Spuller, we challenged and invited a most rigorous examination by your scientific experts, and it was made, to their apparent satisfaction. We forwarded all the information that was then asked, and have never been told that it was insufficient, or that any more was desired. Certainly, it seems

to us that there is no reason to seek for more. This pork is cheap and wholesom and enormously used; but nowhere so much as by our own people. They are largest pork-consuming nation in the world, and yet from the time the disease trichinosis was first observed, down to this day, it is believed that there have not be in the United States so many actual deaths from it altogether as there have been i single year from strokes of lightning. There is not an authentic case of the dise known to be recorded except when the pork was eaten raw.

If it were a question of importation among a nation of savages, possibly here mig be a valued reason for its exclusion, but not in the nation which marches at the he of the civilization of Europe.

Relation between governments are best and most enduring when they rest upon basis of mutual good-will and mutual interest. Of the mutual good-will in the c of our countries there is happily no doubt, the world has seen more than a centur evidence of it. But I would like to show that the action we now ask is in the mut interest of the two countries, that it is greatly to the benefit of France, and that it specially in the interest of the very classes in France for which a wise governme always cherishes the most solicitous care, and to which a republican government especially bound. This might seem to tend towards a questionable discussion of yo domestic affairs. Relying, however, upon the courteous permission your excellen has given me to pursue this phase of the question, I beg you to believe that, ev with this permission, I only do so in the firm belief that the facts demonstrate yo interests and ours to be harmonious and not conflicting.

In the last year before the prohibition of American pork (1880) France imported all 38,722,300 kilograms of pork, of which 34,247,300 kilograms came from the Unit States. As your import from all other sources has averaged for the past three ye just about the same as it was in 1880, say in round numbers 4,600,000 kilograms year, it is plain that you have not made up in duties on this article from other co tries what you have lost in duties from the United States. That loss at the old r of duty, and assuming that there would have been no natural growth in the busines a most unlikely supposition—would still have been for the past nine years of exc sion in round numbers 12,250,000 francs. At the present rate of duty and assumi that the advance was not too great to check importations, even if it did prevent natural growth of the business, your loss has been 2,911,000 francs per annum, or, the nine years of exclusion, in round numbers 26,000,000 of francs, which we sho have paid into your treasury.

But, considerable as this sum seems, it would appear to be the smallest part your actual loss, for besides you have deprived your French steamers of a valua line of freight; you have deprived your grocers and country peddlers through France of a staple and useful trade; and above all, you have deprived your peop particularly the poor laboring classes, of a cheap and highly prized article of fo which they used largely, and for which you have been able to furnish no adequ substitute. Statistics of your importations and the regular quotations of your mestic prices, show that what you shut out from us you have not supplied from oth sources.

Surely an abundant and cheap supply of healthful food for the laboring classes one of the most important essentials for the happiness of a people, the growth of productive energies in competition with neighboring and rival countries, and development of the national prosperity.

These, then, are some of the things the exclusion of American pork has cost Fran In return what good has it done France?

Has it helped the national health? There has been no more disease from eati pork in England or Belgium, where the American product is freely used, than France where you deprive yourselves of it.

Has it helped the French farmer? He can sell the swine he grows for no more n than he could before the prohibition, not even for as much?

Has it helped the consumer? He can buy French pork no cheaper now than bef the prohibition.

The figures on these points are most suggestive.

In June, 1880, before prohibition, and when, according to theories now a vanced in some quarters, the French pork-grower suffered from the American com tition, French swine sold, live weight, in Paris, at 136.61 francs per 100 kilogra The same quality is currently quoted now at 114 francs per 100 kilograms. T average price of French swine for 1880 was from 20 to 30 per cent. higher than 1889. In 1880 the French laborer, if he bought French salted pork at all, paid for the retailers varying profits over the wholesale price of from 160 francs to 200 fran per 100 kilograms for sides and hams. Now if he buys French salted pork he pa for the same qualities the retailers' profits over the current wholesale prices, substa tially the same as in 1880, of from 160 francs to 200 francs per 100 kilograms.

The conclusion from these statements and from the fullest comparison of facts a prices that can be made, is irresistible.

France has no greater exemption from trichinosis than England or Belgium—*i. e.*, French health has not been benefited.

French swine are lower than before prohibition—*i. e.*, French farmers have not been benefited.

The retail prices of French salt pork are no lower—*i. e.*, French consumers have not been benefited.

Who then has been? Only the small class of middlemen who are enabled to exact yet larger profits in the absence of American competition, and of an adequate domestic supply at the season of scarcity, viz, the summer months.

But it may be thought in spite of all this, that a return to the old order of things would now injure the French farmer. To that suggestion the current quotations of prices furnish a striking reply.

French swine, with American pork prohibited, are now selling in Paris per 86 centimes at 1.14 francs the kilogram.

English swine, with American pork freely admitted, are now selling in London for 2*s.* 6*d.* and 4*s.* 2*d* per 8 pounds, or 82½ centimes @ 1.37½ frs. the kilo.

Meanwhile the English working classes (and the Belgians as well) competing with you in manufacture for the world have the advantage of a liberal and cheap supply of wholesome American meats. How great that advantage is may be inferred from the following comparative statement of the present prices, wholesale and retail, of French salt pork, and the corresponding wholesale prices of American salt pork delivered in France, with an estimate of what the retail prices would now be at the same advance upon the wholesale price which the retail dealers charged in 1880. The figures include the present wholesale price of pork in America, the present rate of freight, and the present French duties, and other charges. It is also to be noted that for the very cheapest kind of American salt pork, wholesaling at 75 to 78 francs per 100 kilograms, and retailing for 90 to 95 centimes per kilograms, there is no French equivalent in the market.

Salt pork, 1890.

	French.		American.	
	Wholesale (per 100 kilos).	Retail (per kilo).	Wholesale (per 100 kilos).	Retail (per kilo).
	Francs.	*Francs.*	*Francs.*	*Francs.*
Shoulders	.....	.....	75 to 78	90 to 95
Sides	130 to 165	200 to 220	95 to 100	120 to 130
Hams	175 to 200	00 to 400	150 to 160	180 to 200
Barreled	130 to 145	400	105 to 110	.....

French fresh pork, retail, 190 to 210 francs per kilo.

It should be further noted that there is no real competition between the American salted pork and the French fresh pork. They are sold to entirely different classes, and the statistics do not show that the price of French pork has at any time been affected by the presence or absence of the American importation. French fresh pork is consumed only roasted or broiled. The American salt pork is used for boiling with vegetables, and for that purpose is highly prized by poor families, particularly the lowest paid among the working classes. These are the people who have felt the deprivation most keenly. With the same money they could formerly have meat twice as often as at present, and could have it in many places where the French salted pork, particularly in the summer, is not procurable. American pork, being dry salted, is easily carried to remote districts by traveling peddlers, and, unlike the French article, is freely retailed in groceries. The great competition among these grocers' shops insures sale at a low profit, while the magnitude of the business makes it a valuable addition to their trade.

I have ventured upon no word of complaint against your duty on pork, which in late years you have more than doubled. We fix our own duties from our own view of the public need, and can not take exception to your doing the same. But considering the large advance which you have already made, you will allow me to suggest that in our varied experience on this subject, it has been found that lower duties often produce greater revenues than higher ones. They permit a liberal importation which an excessive duty checks or destroys. Precisely for that reason our House of Representatives has now voted to advance certain duties to reduce an excessive revenue. In view of the facts that the production of salt pork in France does not meet the demand, and that your revenue is not excessive, it can not in this case be in your

interest any more than in ours to impose a duty which would check importation f the country which has the largest supply and can furnish it at the lowest rate.

It is hoped that in any case the facts and considerations here set forth ma found sufficient to convince your excellency that the early withdrawal of the ex ing decree would be an act alike of friendliness, of duty, and of policy.

At the outset I ventured to explain that our people, from their point of vi thought the prohibition unfriendly and unjust. Will you permit me to add more reason why it seems to them to be also, from your point of view, unwise?

You have a product, to take one example out of many, more important to Fra than pork is to the United States. We import it more largely than you ever impor our pork. Nobody in the United States says that our pork is diseased, but your p public men have again and again admitted the adulteration of French wines. Ne in late years in the Senate of the United States has such a whisper been heard ab our pork, but it is less than a month since the French Senate has been debatin bill to prevent a percentage of sulphates or of soda in French wines, which the Fre Academy of Medicine pronounced deleterious to health, and in the course of t debate it was openly admitted that other drugs were used, against which it was so easy to guard.

There is a growing and already successful wine industry in the United Sta Surely it is not wise for French statesmen, by persistence in what our people th a calumniation of our product, to drive American statesmen to listen to French posures of their own and to consider whether, if France still prefers prohibition duties, the United States has not greater reason to do the same.

But I refuse to follow that thought. Keenly as we feel the indefensible natur your decree we are most anxious to avoid even a suggestion of possible retaliat That is a path not to be entered lightly, or without full consideration of the mu injuries to which it may lead.

The business of diplomacy, at any rate, is to make trade easier and national r tions more cordial, not to embitter them. We prefer to present the facts, and upon French good-will, French justice and French sagacity.

I avail, etc.,

WHITELAW REI

His Excellency Mr. RIBOT,
Minister of Foreign Affairs, Paris.

No. 10.

Mr. Reid to Mr. Blaine.

[Extract.]

No. 201.] LEGATION OF THE UNITED STATES,
Paris, July 11, 1890. (Received July 22.

SIR: On Wednesday last I called upon the minister of foreign fairs, during the hours for diplomatic receptions, to discuss the po question. Mr. Ribot continued, as he has done on every recent occasi when the subject has been introduced, by saying that the agitation ov the McKinley bill now makes any action on their part extremely di cult. I replied that in my belief they would find after the two McKinl bills had been some time in operation that their apprehensions had be unduly excited; but, added:

You are not in a position, at any rate, to complain. You are the aggressors, not v For nine years you have persisted in an indefensible and absolute exclusion of one our most important products. It is for you to take the first step now.

This he received with great courtesy and kindness, but made no de uite reply except to dwell again upon the alarm created by the tar legislation.

I have the honor, etc.,

WHITELAW REID.

Hon. JAMES G. BLAINE,
Secretary of State.

No. 11.

Mr. Reid to Mr. Blaine.

[Extract.]

No. 210. LEGATION OF THE UNITED STATES,
Paris, July 28, 1890. (Received August 9.)

SIR: I have the honor to inclose herewith copies of a letter from Mr. Ribot, minister of foreign affairs, on the pork question, and of my reply.

I have the honor, etc.

WHITELAW REID.

Hon. JAMES G. BLAINE,
Secretary of State.

[Inclosure 1 in No. 210. Translation.]

Mr. Ribot to Mr. Reid.

PARIS, *July* 11, 1890.

Monsieur le MINISTRE: I hasten to acknowledge the reception of the letter you did me the honor to write me the 3d instant, with reference to the rule to which American pork is subjected in France.

This communication has been brought to the knowledge of the minister of the interior, who has under his direction the department of public hygiene, and also of my colleagues in the departments of commerce and agriculture. I shall take pains to inform you as early as possible of the results to which it may lead.

In the quite unofficial conversation which I had in your absence with Mr. Vignaud in April last, and to which you are good enough to make illusion, I said that the French Government was quite disposed to endeavor to find conditions upon which the existing rule might be modified, but that it expected its friendly intentions would be reciprocated by the United States Government. The difficulties, of which I had given you a glimpse, have not been, I fear, attenuated by the measures which since that time, were, some of them, finally passed, others voted by the House of Representatives, and which do not fail to raise just complaints on the part of French merchants.

Please accept, etc.,

RIBOT.

[Inclosure 2 in No. 210.]

Mr. Reid to Mr. Ribot.

LEGATION OF THE UNITED STATES,
Paris, July 28, 1890.

SIR: I have the honor to acknowledge the receipt of a letter from your excellency, in which you are good enough to advise me that my communication of the 3d of July, on the subject of the continued exclusion of American pork from France, has been communicated to your colleagues, the minister of the interior, the minister of commerce, and the minister of agriculture.

Your excellency remarks that the French Government, in its disposition to modify the existing rule as to the exclusion of American pork, counted that this evidence of good-will would be reciprocated by the United States, and expresses regret that the customs administration bill already passed and the new tariff bill voted by the House of Representatives, and now under consideration by the Senate, have increased the difficulties in the way of such action on the admission of pork as has been desired, and give just ground of complaint on the part of French merchants.

Your excellency will pardon me for endeavoring to show that this is a view of the situation which the facts do not warrant.

The existing rule as to the exclusion of American pork has not been modified. Not a step to that end, so far as known, has been taken. What evidence of good will, then, in this regard has France given which the United States could be already expected to reciprocate?

Besides, there would appear to be no similarity or just relation of any kind between the two subjects which your excellency couples—the French exclusion of

American pork and the two American bills, currently called the McKinley bills-
is any reason apparent why a continuance of the one should be justified by you
prehensions as to the others.

The American bills are not yet in effect; one of them is not yet even a law
the nature of their operation must as yet be to some extent a matter of conjec
The French decree has been in full force for the past nine years, and its scop
results are perfectly known.

There is every reason from the history of such legislation in the past to be
that if experience shows defects or injustice in the working of the American
they will be modified. The French decree, in spite of argument and remonstr
in spite even of proof that it does nobody any good, has been tenaciously maint
unchanged for nine years.

The American bills are merely a development of a recognized American po
understood by all the world, in practice during the greater part of our nationa
tory, and continuously for the past twenty-five years. The French decree is ent
exceptional and not in conformity, so far as known, with any general recog
French practice.

The American bills touch all countries with absolute impartiality. The Fr
decree singles out the United States from all other countries and prohibits its pro
alone, while the similar products of the rest of the world are admitted.

The American bills make no charges against the quality of the products w
importation they regulate or tax. The French decree is based upon the indefen
charge that the American product excluded is unwholesome, though this charg
been repudiated by the French Academy of Medicine itself, and though this
hibited and unwholesome product has recently been crowned by the highest pri
your own Universal Exposition.

Under these circumstances I venture to suggest that the French Governme
not in a good position to put forward in explanation of its own action anyt
which the United States may now do in the impartial development of its well-kn
policy of protection. France is and has been for nine years past a persistent
gressor. It has absolutely prohibited the importation of an important Amer
product on indefensible charges. It still maintains this prohibition in spite of
demonstrated facts that nothing is thereby gained, either for its own consume
its own producers, and that the only appreciable effect is to do an injustice to a
tury-old friend by openly discriminating against that friend in favor of Germ
Italy, and England.

After such a record and in advance of the slightest known movement to amen
how can France have reason to expect, as your excellency indicates, that its
dence of good will should now be reciprocated by the United States? He who s
justice should first do justice. Much more should that nation which seeks frie
consideration for its merchants refrain first from injustice to the merchants of
country appealed to and from defamation of that country's products.

It is proper further to call your excellency's attention to the fact that the
ground on which complaint has been urged against the customs administrative
viz, that in cases of alleged undervaluation no appeal could be had from the d
ion of the custom-house to the courts, is not sustained by the terms of the bi
finally passed. Your excellency will recall that on the first expression of a frie
complaint on this subject you were assured from Washington that the bill woul
modified, and that the rights of appeal granted. I deeply regret that that pr
response from the United States has met with no reciprocal act or recognition o
part of the French Government; and that another friendly act, the total remov
the 30 per cent. duty on works of art by the House of Representatives passed
unnoticed, until the Senate committee, seeing no encouragement for steps in thi
rection, restored the duty.

From our point of view, then, the case stands thus: The French Governmen
persisted for nine years in an indefensible act, discriminating specially against U
States commerce. Meantime it complains of new measures by the United S
Government far less severe, and in no way discriminating against French comm
Its complaints receive prompt and considerate attention and the friendly dispos
thus shown evokes no recognition.

It can not be believed that with a full understanding of the case the French Go
ment deliberately chooses that attitude. Your excellency has been necessarily
preoccupied of late with other matters, but I can not believe that when you con
give the case full attention, you can be satisfied with it. Now, as heretofore, I
my appeal to French friendliness, French justice, and may I add, to an enlight
sense of French interests.

I avail myself, etc.,

WHITELAW RE

His Excellency Mr. RIBOT,
Minister of Foreign Affairs, Paris.

51st Congress, 1st Session. | SENATE. | Ex. Doc. No. 215.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate of appropriation to re-imburse the owners of the tug-boat A. F. Walcott for damage sustained by collision with the U. S. tug Catalpa.

Aug. 16, 1890.—Referred to the Committee on Appropriations and ordered to be printed.

Treasury Department,
August 14, 1890.

Sir: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation from the honorable Secretary of the Navy of the 12th instant, just received by this Department, with accompanying papers. "To re-imburse the owners of the tug-boat *A. F. Walcott* for the expenses incurred by them in repairing the injuries sustained by that vessel in a collision with the U. S. tug *Catalpa* in the East River, New York, June 15, 1890, $510; and for compensation for the detention of the vessel while undergoing such repairs, twelve days, at $40 per day, $480; total, $990."

Respectfully, yours,

P. L. Spaulding,
Acting Secretary.

The President of the Senate.

Navy Department,
Washington, August 12, 1890.

Sir: I have the honor to transmit herewith copies of the following described papers relating to the claim of the owners of the tug-boat *A. F. Walcott*, of New York, to compensation for injuries sustained by that vessel in a collision with the U. S. tug *Catalpa*, in the East River, New York, on the 15th of June last, viz:

(1) Report of a board of officers convened by order of the commandant of the Navy Yard, New York, June 17, 1890, to ascertain and report all the circumstances attending the collision between the U. S. tug *Catalpa* and the tug-boat *A. F. Walcott* on the 15th of that month.

(2) Statement presented by the master of the *A. F. Walcott* of the expense claimed to have been incurred by the owners of that vessel in repairing the injuries she sustained in the collision, and on account of her detention while undergoing repairs, amounting in the aggregate to the sum of $1,285.

(3) Report of a board of officers convened by order of the com mandant of the navy-yard, New York, August 1, 1890, to examine th claim above mentioned, and letter accompanying it from the owners the vessel, consenting to accept the amount of the award made by th board, in full satisfaction of their claim.

It appearing by the reports above mentioned that the U. S. tu *Catalpa* was responsible for the collision; that the cost of repairin the *A. F. Walcott* to the extent of the injuries she received in the co lision, and the amount of compensation claimed for detention of th vessel while undergoing repairs, were carefully inquired into, and th the sum recommended to be allowed therefor is deemed to be reaso able and just, I have to request, as there is no appropriation under th control of this Department from which the claim can be paid, that ye will cause to be submitted to Congress an estimate of the sum require to be appropriated in full settlement of the same, viz: "To re-imburs the owners of the tug-boat *A. F. Walcott* for the expense incurred b them in repairing the injuries sustained by that vessel in a collisio with the U. S. tug *Catalpa*, in the East River, New York, Jun 15, 1890, $510; and for compensation for the detention of the vess while undergoing such repairs, twelve days, at $40 per day, $48 total, $990."

Very respectfully,

J. R. SOLEY,
Acting Secretary of the Navy.

The SECRETARY OF THE TREASURY.

COMMANDANT'S OFFICE,
Navy-Yard, New York, June 18, 1890.

SIR: I have the honor to transmit herewith a report of a board ordered by me, compliance with paragraph 100, page 45 of the U. S. Navy Regulations, to inves gate the circumstances of the collision of the tug *Catalpa*, of this yard, under t command of the master of tugs, T. M. Smith, with the tug *A. F. Walcott*, Capt. Pa rick Monks, in the East River on the afternoon of the 15th instant.

The board has found the tug *Catalpa* at fault, which I have approved, and I wou recommend that the owners of the *Walcott* be authorized to make the repairs at cost to be fixed by a board of officers with the owners of the vessel instead of brin ing the tug to the yard for repairs.

As the *Walcott* is now laid up to await action of the Department there will pro ably be made a claim for loss of time.

I have not yet furnished the master of the tug with a copy of the report of t board as required by the Regulations.

Very respectfully,

J. C. MILLER,
Captain Commanding.

The SECRETARY OF THE NAVY.

UNITED STATES NAVY-YARD,
New York, Tuesday, June 17, 1890.

SIR: In obedience to an order from the captain commandant of the navy-yar New York, dated June 16, 1890, which is hereunto annexed marked Exhibit A, have the honor to submit the following report of the circumstances, etc., attendi the collision of the United States Government tug *Catalpa* with the private tug *F. Walcott*, in the East River, New York, on the afternoon of Sunday, June 15, 18

On Monday afternoon, June 16, 1890, the board, accompanied by Mr. Ira Tillie, ma ter shipwright of the navy-yard, as an expert, viewed the tug *A. F. Walcott* at pi 40, East River, and made an estimate of the damages, which are set forth in det below.

The board again met at 10 a. m. to-day, June 17, and examined Captain Patrick Monks, master of the *Walcott*, Captain Thomas M. Smith, master of the tug *Catalpa*, and Wm. Nelson, quartermaster, U. S. Navy, wheelsman of the *Catalpa*.

The board, after due consideration of testimony adduced, finds as follows as to circumstances attending collision:

On Sunday, June 15, 1890, about 6 p. m., there being broad daylight and clear weather, with light wind from the southward, the tug *Catalpa* was proceeding from the North River to the East River to make a landing at the pier next to Wall street ferry, Brooklyn. After rounding the Battery and Hamilton ferry, New York, she proceeded obliquely across the East River towards the vicinity of Wall street, Brooklyn. At the same time the tug-boat *A. F. Walcott*, in returning from Sandy Hook by the way of the Buttermilk Channel, was skirting the Brooklyn shore, intending to proceed to pier 40, East River, just above the Brooklyn Bridge. At the time there was a strong flood tide setting up the East River to the northward and eastward. As the *Catalpa* approached the Brooklyn side she ported her helm and rounded to tide to make the wharf. Simultaneously, her master sighted the *Walcott* on his starboard beam, standing up the river close to the Brooklyn side. At this moment, according to Captain Smith, the tugs were one-half a mile apart. According to Captain Monks and William Nelson, quartermaster, the tugs were only some 500 to 600 feet apart. The *Walcott* was going some 12 to 13 knots over the ground with the strong flood. Although rounding his tug across another vessel's course to starboard, Captain Smith did not consider it incumbent to blow two whistles to indicate that the *Caltapa* was intending to pass on the starboard side of the *Walcott*. The tugs approached rapidly, and although the engines of both were stopped and backed, the *Caltapa* struck the *Walcott* a heavy, square blow on the port side, 10 feet from the bow. There were no other vessels in the vicinity to modify the course of either of the approaching tugs.

Although there is confliction of testimony as to distances and blowing of whistles by the *Walcott*, the board is of the opinion that the *Catalpa* was broadly in fault as to the collision, in that, while rounding in ahead of another tug approaching near at hand, with strong flood, the *Catalpa* did not indicate by two blasts her intention to cross the tug's course. Rule VIII of Rules and Regulations for the government of pilots, amended to 1882, specifies that "steamers navigating in a crowded channel, or in the vicinity of wharves, must be run and managed with great caution, sounding the whistle as may be necessary to guard against collision or other accidents."

The damages to the *Walcott* by the collision are as follows: Four streaks of outside planking on port side; both guards or wearing streaks; main rail and plank shear broken through 10 feet 7 inches from stem. On inside of hull both deck clamps, one hanging knee, and one lodging knee in deck frame are broken on port side. On the starboard side four knees in deck frame and deck beam abaft bitts are broken. The deck is started for 32 feet from forward and butts of plank opened.

Ventilating castings in deck forward both broken. Outside plank, wearing piece, plank shear and main rail from stem to butts (probably 15 to 18 feet) will have to be taken out. To replace clamps on inside considerable wood-work will have to be removed. Deck will have to be recalked for 35 feet from stem.

Estimated cost of labor	$385
Material	125
Total	510

Very respectfully, your obedient servants,

C. H. West,
Lieutenant-Commander, U. S. Navy,
Albert Gleaves,
Lieutenant, U. S. Navy,
Peter T. Ward,
Carpenter, U. S. Navy.

Rear-Admiral D. L. Braine, U. S. Navy,
Commandant Navy-Yard, New York.

Commandant's Office,
Navy-Yard, New York, June 18, 1890.

Approved.

J. C. Miller,
Captain, Commanding.

EXHIBIT A.

COMMANDANT'S OFFICE,
Navy-Yard, New York, June 16, 18

GENTLEMEN: In accordance with U. S. Navy Regulations, page 45, section 4, p graph 100, you are appointed a board to examine into immediately, and repo triplicate, all the circumstances attending the collision between the U. S. tug *talpa* and the tug *A. F. Walcott*. Your report will include the injuries received, an probable amount of damage.

Very respectfully,

J. C. MILLER,
Captain, Commanda

Lieut. Commander C. H. WEST, U. S. N.
Lieut. ALBERT GLEAVES, U. S. N.
Carpenter P. T. WARD, U. S. N.

NEW YORK, *July* 10, 18

Mr. BRAINE,
Admiral, U. S. Navy, Brooklyn Navy-Yard:

DEAR SIR: On the 15th day of June, 1890, at about 6 o'clock p. m., the steam *A. F. Walcott*, while on her way from Sandy Hook, was collided with by th S. steam-tug *Catalpa* on the East River, east of the Wall Street Ferry. On the day of June, 1890, I reported the collision to Captain Miller, who was there ing in Admiral Braine's place, who was sick at the time. Captain Miller instru me to get estimates from two reliable ship-carpenters, which I did, supposing t was to have the one that gave the lowest estimate make the repairs. A. Stieng & Co. being the lowest estimate and the tug's time valuable, I ordered Stiengra Co. to make the repairs as soon as possible. Stiengrafe & Co. made the repai per inclosed contract and itemized bill for the same. Stiengrafe & Co.'s cont amounts to $805. The tug was detained for a period of twelve days by the said lision, which is a loss to the owners of at least $40 per day, or $480, making a loss to myself and other owners of $1,285. As the collision was not caused by carelessness on my part, ask if you will please be kind enough to send me a chec the same and greatly oblige.

Yours, very respectfully,

PATRICK MONK,
Captain steam-tug A. F. Walcott, 52 South Street, New York

COMMANDANT'S OFFICE,
Navy-Yard, New York, August 5, 18

SIR: Referring to the Department's letter No. 101 of the 19th ultimo, relative t expense incurred in repairing the tug-boat *A. F. Walcott*, injured by collision the U. S. S. tug *Catalpa*, I have the honor to inclose herewith the report of a b of officers relative thereto, of which Lieut. C. H. West, U. S. N., is senior men which report was made in obedience to the order of the commandant of this ya July 22. Also inclosed is a letter of the owners of the *Walcott* to the honorable retary of the Navy of July 31, accepting the estimate of the board as to the co repairs, amounting to $510 instead of the sum of $805 first claimed by them, an allowance for demurrage of twelve days, at $40 per day, making a total of $99 damages and demurrage.

In view of the facts reported by the board I would recommend that the offer o owners of the *Walcott* be accepted as an equitable solution of the claim.

Very respectfully,

J. C. MILLER,
Captain, Commandi

The SECRETARY OF THE NAVY,
Washington, D. C.

UNITED STATES NAVY-YARD,
New York, August 1, 18

SIR: In obedience to your order of July 22, 1890, herewith inclosed, the u signed members of a board have the honor to state that the board held a meeti the navy-yard on July 30, 1890, at which was present Patrick Monks, master o tug-boat *A. F. Walcott*, as representative of the owners of that tug.

The letter from the honorable Secretary of the Navy, herewith returned, u date of July 19, 1890 (W. B. R.), was read by Captain Monks, whereupon he

that the owners would be satisfied with $510 for repairs to the *Walcott*, and detention money of $40 per day for twelve days, or $480, both sums aggregating $990, and would waive in writing further claim upon the Government. Herewith inclosed is a communication from the owners of the boat to that effect.

The board has made inquiry in New York as to the claim of detention money of $40 per day for twelve days, or $480, and is satisfied that that amount is not unreasonable, and would therefore recommend it to be paid by the Government, together with the sum of $510 for repairs, aggregating $990.

Very respectfully, your obedient servants,

C. H. WEST,
Lieutenant-Commander, U. S. Navy.
W. H. TURNER,
Lieutenant, U. S. Navy.
WM. D. TOY,
Carpenter, U. S. Navy.

Rear-Admiral D. L. BRAINE, U. S. Navy,
Commandant Navy-Yard, N. Y.

NEW YORK, *July* 31, 1890.

DEAR SIR: Your letter addressed to Admiral Braine concerning damage to steam-tug *A. F. Walcott* was read to us. In reply we, the undersigned, owners of the said steam-tug *A. F. Walcott*, will accept the amount named for repairs, $510, and twelve days' demurrage, at $40 per day, $480, making the full amount of said damage to the steam-tug *A. F. Walcott* by the U. S. Navy steam-tug *Catalpa* the sum of $990, and for said sum we waive further claims.

Yours, very respectfully,

D. C. CHAPMAN (five-sixteenths).
I. C. COMSTOCK (two-sixteenths).
R. OWEN'S ESTATE (one-sixteenth).
P. MONKS (four-sixteenths).
WM. TANNER (two-sixteenths).
T. HOGAN (two-sixteenths).

Hon. B. F. TRACY, *Secretary of the U. S. Navy.*

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